Message

Sent: 4/3/2020 3:52:52 PM

To: Smalley, Bryant [smalley.bryant@epa.gov]; Patel, Anish [patel.anish@epa.gov]; Loesel, Matthew

[loesel.matthew@epa.gov]; Fisher, Bray [fisher.kelsey@epa.gov]; Rouse, Philip [rouse.philip@epa.gov]; Delgado,

Eric [Delgado.Eric@epa.gov]

CC: Petersen, Chris [petersen.chris@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

About the third or fourth IAP, TPC realized that they had not made any claims to potentially exempt information in the IAP's that had all ready been provided. After this time, they began marking the fronts of each IAP with a claim that it may contain PBI/CBI. A Nov 30 letter from TPC legal also made this claim, that previous documents provided by a TPC contractor, The Response Group, may contain PBI/CBI. In response to the Nov 30 letter, Mark Ford asked for clarification

From: Smalley, Bryant <smalley.bryant@epa.gov>

Sent: Friday, April 03, 2020 10:45 AM

To: Adams, Adam <Adam@epa.gov>; Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew

<loesel.matthew@epa.gov>; Fisher, Bray <fisher.kelsey@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Delgado, Eric

<Delgado.Eric@epa.gov>

Cc: Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Adam – it appears all PII/CBI claims are for information in the IAPs only?

В

From: Adams, Adam <Adams.Adam@epa.gov>

Sent: Friday, April 3, 2020 10:29 AM

To: Patel, Anish <<u>patel.anish@epa.gov</u>>; Loesel, Matthew <<u>loesel.matthew@epa.gov</u>>; Fisher, Bray <<u>fisher.kelsey@epa.gov</u>>; Rouse, Philip <<u>rouse.philip@epa.gov</u>>; Delgado, Eric <<u>Delgado.Eric@epa.gov</u>>

Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: FW: TPC Group LLC (TPC) - letter dated November 30, 2019

Please see attached correspondence from TPC regarding claims for PII on IAP's.

Adam

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford. Mark@epa.gov>; Adams, Adam < Adams. Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' < tpc-agencies@mlfarleypc.com; Ragon, Derek Ragon, Derek@epa.gov; Malooly, Tom

< Malooly. Tom@epa.gov>; Kirst, Tina < kirst.tina@epa.gov>; Ortiz, Diana < Ortiz. Diana@epa.gov>; Murdock, James

<<u>Murdock.James@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark, Adam, and all-

TPC Group LLC ("TPC") is providing the attached response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and

Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities.

If you have any questions, please let me know.

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark < Ford. Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana

<Ortiz.Diana@epa.gov>; Murdock, James <Murdock.James@epa.gov>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

Proprietary Business Information/Confidential Business Information (PBI/CBI):

EPA is able to assist the community by labeling documents provided to EPA as Proprietary/Confidential Business Information (PBI or CBI) after submission to EPA. However, we do not provide a preview or consult with the community regarding what we intend to release to the public before releasing. If a document is subject to a Freedom of Information Act (FOIA) request and a document has been identified as PBI or CBI, we first ask the FOIA Requestor if they wish to have access to that document. If the Requestor wants access, the Requestor has to agree to the Substantiation process whereby we then reach out to the Claimant who asserted the PBI/CBI claim and we provide the Claimant an 11 point criteria to answer which is then reviewed by both the EPA program and legal counsel to determine if the document has met the criteria to maintain its claim. If the document meets the criteria, then it is withheld. If the document does not meet the criteria, the document is subject to release under the FOIA unless the Claimant files an Appeal in Federal Court prohibiting its release.

Personally Identifiable Information (PII), Sensitive Security Information (SSI):

As for the other items you mentioned such as PII, SSI, we welcome your input to point out to us what specific documents and/or information you believe is PII and/or SSI. We can then review your suggestions and determine if the information meets the Federal guidelines/criteria.

Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford

Senior Attorney/ORC FOIA Branch

Message

From: devon.downs@mlfarleypc.com [devon.downs@mlfarleypc.com]

Sent: 4/8/2020 1:03:04 PM

To: Adams, Adam [Adams.Adam@epa.gov]; Ford, Mark [Ford.Mark@epa.gov]

CC: Smalley, Bryant [smalley.bryant@epa.gov]; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam and Mark-

Thank you for the clarification. We now understand you are also referring to the drone footage that was produced and updated several times. In addition to what we have already designated as Personal Identifying Information (TRG incident action logs that the November and March letters addressed), we are also designating each production of drone footage (I highlighted Adam's description of this, below) as containing Sensitive Security Information ("SSI"), as is defined in 49 C.F.R. Section 1520.5, which is also exempted from public disclosure under 49 U.S.C. Section 40119(b).

Specifically, we are designating all drone footage as containing Sensitive Security information because it contains low altitude footage of tanks and pipes containing process chemicals that could be targeted by an external threat. The facility is pivoting to a terminal mode, and therefore this footage could be used in the future to target specific portions of the facility. This low-altitude and detailed footage is not publicly available, and if made available could pose a security threat.

Thanks very much, Devon

Devon E. Downs PARTNER

o: 832.653.8708 | c: 925.998.6100 | in

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Adams, Adam <Adams.Adam@epa.gov>

Sent: Monday, April 6, 2020 6:58 AM

To: devon.downs@mlfarleypc.com; Ford, Mark <Ford.Mark@epa.gov>; 'Mark L. Farley' <mark.farley@mlfarleypc.com>

Cc: Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Good morning Mr Downs,

There's two discussions going on. The first was in respect to Mr Farley's Nov 30, 2019 letter. The second is regarding the external hard drive with drone photos and videos that was provided and updated several times.

Regarding the second discussion and referenced in Mr Ford's email, it was regarding a forwarded email from Mr Gehrke on Dec 12, 2019 that references the external hard drive with drone photos and videos that is marked ""CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" and states "some of the information...". We're requesting TPC identify which information on this hard drive TPC is claiming is exempt and which is not, please.

Also, please see your email to me on December 1, 2019 (pdf attached) regarding the external hard drive, with the same statement. The hard drive was provided on December 1 and updated sporadically by Mr. Gehrke.

Very Respectfully,

Adam

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com>
Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Brian Gehrke

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Monday, April 06, 2020 6:28 AM

To: Ford, Mark < Ford. Mark@epa.gov >; 'Mark L. Farley' < mark.farley@mlfarleypc.com > Cc: Adams, Adam < Adams. Adam@epa.gov >; Smalley, Bryant < smalley.bryant@epa.gov >

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Apologies, Mark, but the attachment appears to be corrupted: "content image001.jpg of type has been blocked."

Could we send you a drop box link and you could email us the attachment that way?

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | In



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Friday, April 3, 2020 11:53 AM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' <mark.farley@mlfarleypc.com>
Cc: Adams, Adam Adams.Adam@epa.gov>; Smalley, Bryant Smalley.bryant@epa.gov>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Devon and Mark.

The attachment is a second section of data that the TPC legal claims "Please note that some of the info.." on the email below from Brian Gehrke (**TPC rep – see below email from Brian**).

This external hard drive was produced by TPC contractors, The Response Group, and provided to EPA. This is separate from the current discussion this morning that we were having. We were discussing the Incident Action Plans'.

Question: On this attachment, will you clarify which "some" of the information on the external hard drive of drone footage and photographs you claim to be exempt.

Many thanks gentlemen,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs < devon.downs@mlfarleypc.com>; Adams, Adam < Adams.Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

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Brian Gehrke	
Brian.Gehrke@tpcgrp.com	
/ Substituting and in large. The cycles are soon, around, or finish high both all arts of the contribution]
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Quality Products. Dependable Services.

Houston Operations | 8600 Park Place Boulevard | Houston, Texas 77017

713.740.3415 | Cell: 713.419.3714 | www.tpcgrp.com

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Message

From: devon.downs@mlfarleypc.com [devon.downs@mlfarleypc.com]

Sent: 4/6/2020 11:27:39 AM

To: Ford, Mark [Ford.Mark@epa.gov]; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

CC: Adams, Adam [Adams.Adam@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

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Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | In

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Ford, Mark <Ford.Mark@epa.gov> Sent: Friday, April 3, 2020 11:53 AM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' <mark.farley@mlfarleypc.com> **Cc:** Adams, Adam <Adam@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Devon and Mark.

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To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams.Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com>; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

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rian Gehrke	
rian.Gehrke@tpcgrp.com	
Martings and is fullyin. To tray fore into most, around, a filled toldy dends to also a to autority of modes.	
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Quality Products. Dependable Services.

Houston Operations | 8600 Park Place Boulevard | Houston, Texas 77017
713.740.3415 | Cell: 713.419.3714 | www.tpcgrp.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may contain information confidential and proprietary to TPC Group, and may be an attorney-client communication, work product, and/or otherwise be privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Message

From: devon.downs@mlfarleypc.com [devon.downs@mlfarleypc.com]

Sent: 4/3/2020 4:13:16 PM

To: Ford, Mark [Ford.Mark@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]

CC: 'Mark L. Farley' [mark.farley@mlfarleypc.com]; 'Danica McAllister' [danica.mcallister@mlfarleypc.com]; 'Mark

Farley' [tpc-agencies@mlfarleypc.com]; Ragon, Derek [Ragon.Derek@epa.gov]; Malooly, Tom

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[Murdock.James@epa.gov]; Quinones, Edwin [quinones.edwin@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark-

With regard to CBI, upon closer review, we did not identify any CBI or PBI in the materials we provided. The only designation we are making at this time relates to PII, which is identified in the Appendix.

Let us know if it would be helpful to have a quick call to discuss.

Stay safe, Devon

Devon E. Downs | PARTNER

o: 832.653.8708 | c: 925.998.6100 | in

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark <Ford.Mark@epa.gov> Sent: Friday, April 3, 2020 11:06 AM

To: devon.downs@mlfarleypc.com; Adams, Adam <Adams.Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

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<Murdock.James@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Good morning Devon,

Thank you for the response. However, I am still operating under the statement provided earlier that says "Please note that **some** [emphasis added] of the information..."

Question: Specifically, which information or what part(s) that was provided should be treated as PBI/CBI?

Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford. Mark@epa.gov>; Adams, Adam < Adams. Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

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<<u>Murdock.James@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

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If you have any questions, please let me know.

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Ford, Mark < Ford. Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana <<u>Ortiz.Diana@epa.gov</u>>; Murdock, James <<u>Murdock.James@epa.gov</u>>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

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In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

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Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

Message

From: devon.downs@mlfarleypc.com [devon.downs@mlfarleypc.com]

Sent: 4/3/2020 3:02:51 PM

To: Ford, Mark [Ford.Mark@epa.gov]; Adams, Adam [Adams.Adam@epa.gov]

CC: 'Mark L. Farley' [mark.farley@mlfarleypc.com]; 'Danica McAllister' [danica.mcallister@mlfarleypc.com]; 'Mark

Farley' [tpc-agencies@mlfarleypc.com]; Ragon, Derek [Ragon.Derek@epa.gov]; Malooly, Tom

[Malooly.Tom@epa.gov]; Kirst, Tina [kirst.tina@epa.gov]; Ortiz, Diana [Ortiz.Diana@epa.gov]; Murdock, James

[Murdock.James@epa.gov]; Quinones, Edwin [quinones.edwin@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Attachments: 2020-04-03 TPC PII Designation Letter to EPA.pdf; 2020-04-03 TPC PII Identification (Appendix A).pdf

Mark, Adam, and all-

TPC Group LLC ("TPC") is providing the attached response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities.

If you have any questions, please let me know.

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | M

E: devon.downs@mifarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana

<<u>Ortiz.Diana@epa.gov</u>>; Murdock, James <<u>Murdock.James@epa.gov</u>> **Subject:** TPC Group LLC (TPC) - letter dated November 30, 2019

Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

Proprietary Business Information/Confidential Business Information (PBI/CBI):

EPA is able to assist the community by labeling documents provided to EPA as Proprietary/Confidential Business Information (PBI or CBI) after submission to EPA. However, we do not provide a preview or consult with the community regarding what we intend to release to the public before releasing. If a document is subject to a Freedom of Information Act (FOIA) request

and a document has been identified as PBI or CBI, we first ask the FOIA Requestor if they wish to have access to that document. If the Requestor wants access, the Requestor has to agree to the Substantiation process whereby we then reach out to the Claimant who asserted the PBI/CBI claim and we provide the Claimant an 11 point criteria to answer which is then reviewed by both the EPA program and legal counsel to determine if the document has met the criteria to maintain its claim. If the document meets the criteria, then it is withheld. If the document does not meet the criteria, the document is subject to release under the FOIA unless the Claimant files an Appeal in Federal Court prohibiting its release.

Personally Identifiable Information (PII), Sensitive Security Information (SSI):

As for the other items you mentioned such as PII, SSI, we welcome your input to point out to us what specific documents and/or information you believe is PII and/or SSI. We can then review your suggestions and determine if the information meets the Federal guidelines/criteria.

Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch



April 3, 2020

VIA ELECTRONIC MAIL

Mr. Mark Ford
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Mail Code: ORCDF
Dallas, Texas 75270
ford.mark@epa.gov

Re: TPC Group - PNO Incident- Designation of Personally Identifiable Information

Dear Mr. Adams:

TPC Group LLC ("TPC") is writing in response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities. These materials were previously described in TPC's November 30, 2019 correspondence, which requested the opportunity to review potential CBI, PBI, or CBI prior to release of this information to determine whether such information is exempt for disclosure.

As EPA may know, TPC retained The Response Group ("TRG") to support the incident response and coordinate the communication of information to the EPA and other responding agencies. Some of the information previously provided by TRG to EPA contains confidential PII of TPC employees. TPC has prepared a chart detailing the pages upon which PII is located ("Appendix A"), and is enclosing this chart with this letter. The PII largely consists of mobile telephone numbers and other personally identifiable information relevant to TPC employees who provided response assistance during the incident.

TPC notes that this information may not have been initially designated as exempted from disclosure at the time it was communicated to EPA because of the exigent circumstances inherent to a response of this type. TPC respectfully requests that the information identified as PII in Appendix A be treated as exempt for disclosure.

In response to EPA's request that TPC identify CBI or PBI in the documents referenced in TPC's November 30, 2019 letter, TPC has not identified CBI or PBI in those materials.

If you have any questions, please let me know.

Very truly yours,

Mark L. Farley

Enclosure

Mark Ford April 3, 2020 Page 2

cc: Adam Adams (adams.adam@epa.gov)
Edwin Quinones (quinones.edwin@epa.gov)
Derek Ragon (ragon.derek@epa.gov)
Tom Malooly (malooly.tom@epa.gov)
Tina Kirst (kirst.tina@epa.gov)
Diana Ortiz (ortiz.diana@epa.gov)
James Murdock (murdock.james@epa.gov)

APPENDIX A

Personally Identifiable Information ("PII") in Materials Previously Produced by TPC Group to EPA

TPC Incident Action Plans Initial Response

PAGE	PII ¹
54	X
65-67	X
82	X
92-96	X
101-107	X
109-110	X
172-184	X
189	X
221-222	X
257-259	X
386-476	X

 $^{^{1}}$ Confidential Personal Identifying Information, including names and personal telephone numbers of TPC Group employees.

PAGE	PII
61	X
62	Х
83-85	Х
96	Х
98	Х
102	Х
122-129	Х
131-192	Х
194-206	Х
211	Х
251-253	Х
281-283	Х
870-960	Х

PAGE	PII
85-86	х
91	Х
93	X
108	Х
110	X
115	X
119-124	Х
134	Х
138	Х
140	X
142	Х
144	Х
155	х
163-170	Х
172-233	X
235-247	X
252	X
293-295	X
348-350	X
944-1034	X

PAGE	PII
96-97	X
99	Х
102	X
105	X
108-111	Х
114	X
116	X
117	X
120	X
122	X
124-125	X
128-133	Х
147	Х
148	X
151	Х
157	X
170-174	Х
178-185	X
187-263	X
268	X
312-316	X
960-1051	Х

PAGE	PII
117-120	X
127	X
130	X
136	x
139	x
141	x
143	X
145	X
148-149	X
152-157	X
159	x
161	x
171	x
175	X
177	X
179	X
181	x
195-199	X
204-210	x
212-273	X
275-288	X
293	X
341-345	X
402-404	X
293	X

PAGE	PII
138-139	X
141	X
144	X
148	X
151-154	X
157	X
160	X
163	X
165	X
168	X
171	X
173	X
176-181	X
185	X
197-199	X
201	X
203	x
205	X
207	X
222-226	Х
231-315	Х
320	Х
367-372	X
418-420	Х
1027-1118	X

PAGE	PII
159-160	X
162	х
165	X
169	х
172-175	х
178	Х
180-181	х
184	х
186	х
189	х
190	х
193	х
195	х
198-204	X
206	x
220	х
222	х
223	х
226	х
228	х
230	х
231-232	х
252	X
294-298	X
303-309	X
311-387	X
400-406	X
468-470	X
1079-1120	X

Appendix A Page 7

PAGE	PII
173-174	Х
176	Х
179	X
183	X
188-189	Х
192	Х
195	Х
198	Х
200	Х
203-204	X
207	Х
209	X
212-218	X
220	Х
236	Х
238	X
240	Х
242	Х
244	Х
246	Х
248	X
264-268	X
273-279	X
281-357	X
362	X
422-423	X
488-490	X
1099-1190	X

PAGE	PII
192	X
196	X
199	X
202	X
205	X
208	X
211	X
214	X
218	X
221	X
223	X
226-235	X
237	X
253	X
255	X
256-259	X
261	X
263	X
265	X
267	X
285-289	x
294-378	x
383	Х
452	Х
454	X
547-549	X
1161-1252	Х

PAGE	PII
191-192	Х
195	Х
199	X
202	Х
205	Х
208	Х
211	х
241-215	х
218	X
220	x
223	X
226-235	х
253	Х
255	Х
257	Х
259	Х
261	Х
263	Х
265	Х
267	Х
269	Х
271	Х
273	Х
275	Х
277	х
279	Х
281	Х
283	X
285	X
287	Х

Appendix A Page 10

PERIOD 9 (CONTINUED)

PAGE	PII
289	X
291-293	X
295	X
297	X
299	X
301	X
320-324	X
329-335	X
338-413	X
418	X
494	X
496	X
498	X
565-567	X
1176-1267	X

PAGE	PII
217	x
221	x
224	X
227	x
230	х
233	x
236	x
238	х
243	x
246	х
248	x
256-265	x
283	x
285	x
287	х
289	х
291	X
293	Х
297	Х
299	X
301	х
303	X
305	X
306	X
309	X
311	X
313	X
315	X
317	X
319	X

Appendix A Page 12

PERIOD 10 (CONTINUED)

PAGE	PII
321	X
322-323	X
325	X
327	x
329	x
331	X
333	x
335	X
337	x
339	x
359-363	x
368-374	x
376-452	x
457	X
542	X
621-623	X
1232-1323	X

PAGE	PII
223	X
226	X
229	X
232	X
235	Х
237	X
240	X
242	X
245	X
247	X
251	X
255-264	X
281	х
283	Х
285	X
287-289	X
291	X
293	X
295	X
297	Х
299	X
301	X
303	X
305	X
307	X
309	X
311	X
313	X
315	X
317	X

Appendix A Page 14

PERIOD 11 (CONTINUED)

PAGE	PII
319-321	Х
323	х
325	Х
327	х
329	х
331	Х
333	х
335	х
337	х
358-362	х
367-373	х
375-452	х
457	х
545	Х
547	х
549	Х
551	х
1229-1320	х

PAGE	PII
147	X
150	Х
153	X
156	X
159	Х
162	X
165	X
168	X
171	X
174	X
178	X
180	X
184-187	х
189	Х
191	Х
205	X
207-209	X
211	х
213	X
215	Х
217	X
219	X
221	X
223	X
225	X
227	X
229	Х
231	X
233	X
235	X

Appendix A Page 16

PERIOD 12 (CONTINUED)

PAGE	PII
237	X
239	X
241	X
243	X
245	Х
247	X
249	X
251	X
253	X
255	X
257	X
259	X
261	X
263-265	X
267	X
269	X
271	X
273	X
275	X
277	X
279	х
302-306	X
311-317	X
319-396	X
401	X
539-541	X
1163-1255	X

PAGE	PII
244	х
246	х
249	х
252	х
255	х
258	х
261	х
264	х
270	Х
273	х
276	х
280	Х
282	Х
286-289	Х
291	х
304-305	х
307	Х
309	х
311	х
313	Х
315	X
317	х
319	Х
323	X
325	X
327	X
329	х
331	X
333	X
337	X

Appendix A Page 18

PERIOD 13 (CONTINUED)

PAGE	PII
339	X
341	X
343	X
345	X
347	X
349	X
351	X
353	X
357	X
359	X
361	X
363	X
365-366	X
369-371	X
373	X
375	X
377	Х
379	Х
381	X
407	X
416-422	X
424-486	X
488-501	X
506	X
582-586	X
588	X
590	X
592	X
677-679	X
1309-1401	X

Appendix A Page 19 From: Durant, Jennah [Durant.Jennah@epa.gov]

Sent: 3/31/2020 3:48:20 PM **To**: R6Press [R6Press@epa.gov]

Subject: Daily News Digest, Tuesday, March 31

Attachments: Daily News Digest 033120.pdf

National

1 — 6 things you may have missed in the stimulus bill, E&E News, 3/28/20

https://www.eenews.net/eedaily/2020/03/27/stories/1062711607

Despite lobbying from companies and groups, the 880-page, \$2.2 trillion coronavirus stimulus bill poised to pass Congress leaves out many energy and environmental provisions once in play. But while headlines focused on bailouts for the airlines and cash payments, there are a few less-noticed energy and environmental provisions.

2 - Wheeler to states: Name water sector workers as 'essential', E&E News, 3/30/20

https://www.eenews.net/greenwire/2020/03/30/stories/1062742821

EPA Administrator Andrew Wheeler pressed state governors to designate drinking water and wastewater employees as "essential workers" during the novel coronavirus pandemic. "Ensuring that drinking water and wastewater services are fully operational is critical to containing COVID-19 and protecting Americans from other public health risks," Wheeler wrote in a Friday letter.

3 - Auto mileage standards to be put in reverse, Arkansas Democrat-Gazette, 3/30/20

https://www.arkansasonline.com/news/2020/mar/31/auto-mileage-standards-to-be-put-in-rev/
President Donald Trump is poised to roll back Obama-era vehicle mileage standards and raise the ceiling on fossil fuel emissions for years to come, gutting one of the United States' biggest efforts against climate change.

4 - EPA Issues Waiver to Avert Potential Summer Fuel Shortage, Transport Topics, 3/30/20

https://www.ttnews.com/articles/epa-issues-waiver-avert-potential-summer-fuel-shortage

The U.S. Environmental Protection Agency has issued a waiver intended to avert a potential fuel shortage this summer by providing additional flexibility to the marketplace to transition from winter-grade to summergrade blends.

5 - EPA Honors 2020 ENERGY STAR® Award Winners, Facility Executive, 3/30/20

https://facilityexecutive.com/2020/03/epa-honors-2020-energy-star-award-winners/

The U.S. Environmental Protection Agency and the U.S. Department of Energy (DOE) are honoring 191 ENERGY STAR partners for their outstanding contributions to public health and the environment. The award winners – including Fortune 500 companies, schools, retailers, manufacturers, home builders, and commercial building owners and operators – have demonstrated national leadership in cost-saving energy efficient solutions. Recipients of the 2020 ENERGY STAR Awards come from 37 states.

6 - Massive ocean blob could help predict climate calamities, E&E News, 3/31/20

https://www.eenews.net/climatewire/2020/03/31/stories/1062621595

^{*}Please note: All articles are available in the attached PDF.

^{*}To receive the Daily News Digest in your inbox, email R6Press@epa.gov.

What keeps people awake at night? For baseball players, it might be a late-breaking fastball. It looks like you could hit it right out of the park until it curves. For meteorologists, an equivalent problem is called the Madden-Julian oscillation, or the MJO. It consists of patterns identified by two scientists in 1971 that suggested a connection between far-flung weather extremes, like monsoons in India and hurricanes in the North Atlantic, and a large blob of warming water in the Indian Ocean.

Texas

7 - Texas shale producers ask state to cut oil output as demand plummets during coronavirus pandemic, Texas Tribune, 3/30/20

https://www.texastribune.org/2020/03/30/texas-oil-producers-ask-state-regulate-output-amid-coronavirus-crisis/

Two Texas oil companies with big business in the Permian Basin wrote to state regulators requesting an emergency meeting to consider reducing oil production as demand around the world has collapsed due to the new coronavirus.

8 - EDITORIAL: Groves mayor must support TPC victims, stop excusing company, Beaumont Enterprise, 3/30/20

https://www.beaumontenterprise.com/opinions/editorials/article/ENTERPRISE-EDITORIAL-Groves-mayor-must-support-15167364.php

Hundreds of residents in Mid-County have something in addition to coronavirus weighing on their minds. Their homes were damaged by the Nov. 27 explosion of the TPC Group plant, and their lives have been on hold ever since because most of them have not yet been fully compensated for their losses. In our Sunday follow-up, residents told us they are being offered less than they believe they deserve, or they are worried their homes have as-yet undetermined levels of damage.

9 - Mobilizing oil field technology to battle Coronavirus, Fort Stockton Pioneer, 3/30/20

http://www.fortstocktonpioneer.com/stories/mobilizing-oil-field-technology-to-battle-coronavirus,25244? Alex Gonzalez didn't envision being able to provide bleach to combat a viral pandemic when he got into disinfecting water used in oil and natural gas drilling 11 years ago. But amid the current Coronavirus pandemic, Gonzalez has taken some of the mobile disinfecting units he and his family's company – Neptune De Nora – created in Fort Stockton for use on oil well sites, and deployed them to two Texas counties that are short on disinfecting liquids.

10 - Oysters in Galveston Bay are on the rebound. Will it stay that way?, Houston Chronicle, 3/30/20 https://www.houstonchronicle.com/news/houston-texas/houston/article/Oysters-in-Galveston-Bay-are-on-the-rebound-Will-15164818.php

The oyster population has dwindled from its peak two decades ago due both to market charges as well as a cyclical battle with droughts, floods, hurricanes, even invasive snails. The state responded in 2017 by sharply limiting oyster harvesting. The good news: the commercial oyster fishery in Texas had one of its most productive years in 2019, producing \$22.4 million worth of economic benefit, and wholesalers and fishermen said the 2020 season was continuing that trend. Then came the global coronavirus epidemic.

New Mexico

11 – Major public-private solar project gets OK, Albuquerque Journal, 3/30/20

https://www.abgjournal.com/1437376/publicprivate-partnership-creates-50mw-solar-project-2.html

State regulatory authorities approved construction of a new 50-megawatt solar project this week to provide renewable energy to a number of cities, counties and entities around the state. The solar array, to be located on 400 acres on the Jicarilla Apache Nation in northern New Mexico, will come online in March 2021.

Louisiana

12 - Mississippi River rising to near 17 feet again, but still no spillway opening, New Orleans Times-Picayune, 3/30/20

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Tuesday, March 31, 2020

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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6 things you may have missed in the stimulus bill

George Cahlink and Keille Lunney, E&E News reporters Published: Friday, March 27, 2020



Lawmakers on Capitol Hill are preparing to go on standby during the novel poronavirus outbreak after passing major relief legislation. Francis Chung/E&E News

Despite lobbying from companies and groups, the 880-page, \$2.2 trillion coronavirus stimulus bill poised to pass Congress leaves out many energy and environmental provisions once in play.

But while headlines focused on ballouts for the airlines and cash payments, there are a few less-noticed energy and environmental provisions.

Here are six:

Fisheries relief

The package includes \$300 million in aid to the fishing sector administered by the Commerce Department, which houses NOAA Fisheries.

Tribal, subsistence, commercial and charter fishermen as well as aquaculture farmers would be eligible for the help to weather economic losses.

Groups representing the seafood industry and fishermen had requested \$4 billion in a letter to congressional leaders earlier this week to help blunt the financial blow from COVID-19.

"The economic disruption caused by forced restaurant closures and active encouragement for Americans to 'shelter in place,' however, extend far beyond the food service sector," the groups wrote.

"There is a direct line from those temporarily shuttered businesses to the food distribution chain that supports them; the companies and workers who harvest, farm, prepare, process, package, and distribute the food products that we produce in our country."

Aviation fuel tax

A \$50 billion loan package for airlines has received a lot of attention, but the carriers will also benefit from three tax breaks.

The trio includes one waiving an excise tax airlines pay on the kerosene used in jet fuel through the end of the year.

An estimate by the Joint Committee on Taxation shows the three breaks together would reduce federal taxes by \$4.2 billion.

Airlines favor the benefit as an easy way to increase their revenue, but it could also help petroleum producers if lower costs allow carriers to buy more jet fuel.

Environmentalists blasted the aid, saying it was nothing more than a gimmick, but were not surprised to see it in the final version

"The excise tax holiday has been one of the airlines' earliest asks, so I was not surprised to see it in the bill," said Annie Petsonk, an advocate with the Environmental Defense Fund.

"There's two types of taxes that are covered by this tax holiday. But they're very small," she said. "For most people who fly, the amount of the tax in the United States is so small relative to the cost of the ticket that it's not determinative of people flying."

EPA reviews

EPA has found a niche role in fighting the pandemic as a clearinghouse for disinfectants that can be useful in wiping away the virus.

EPA would get \$1.5 million in federal spending under the stimulus to quickly expand the dozens of disinfectants it already has deemed effective.

The money comes as the agency relaxed some federal rules for disinfectant manufacturers to make them more readily available. EPA also announced it has blocked the importation of illegal disinfectants not proved sufficient

Greens are not pleased with the agency waiving the rules. Collin O'Mara, president and CEO of the National Wildlife Federation, said, "It's unfathomable that the EPA has decided not to enforce public health laws, while continuing to weaken public health standards."

FEMA funds

The Federal Emergency Management Agency, well known as the nation's first responder to natural disasters, is also playing a major part in helping communities as the pandemic spreads.

Congress provided the agency \$45.4 billion, with much of the money going toward its Disaster Relief Fund to help support state and federal emergency declarations related to the outbreak.

The allocation reflects the wide impact of the virus, with \$200 million going for food, shelter and other services; \$100 million for firefighters' protective gear and reimbursements; and \$100 million for enhanced sanitation at airport security checkpoints.

Wildfire support

The Forest Service would receive \$7 million for "wildland fire management," which includes money for personal protective equipment and baseline health testing for first responders.

The pandemic has forced the agency to postpone firefighting training ahead of wildfire season. Because COVID-19 is a respiratory illness, firefighters exposed to wildfire smoke are particularly at risk of infection.

Oversight

One of the last sticking points in reaching the deal was settling on oversight of the hundreds of billions of dollars in loans and other guarantees that the package doles out.

Congress set up an approach that is similar to what was called for in the 2008 and 2009 economic stimulus efforts

Green groups have worried loans could go to the energy sector or polluters. Although there isn't a ban on firms based on environment records, the oversight could offer a venue for at least raising concerns about bad actors.

The bill would create a powerful special inspector general for pandemic recovery at the Treasury Department to oversee loans and guarantees. This person would deliver quarterly reports to Congress.

The legislation would also create a congressional commission — made up of five experts picked by each party leader in the House and Senate and a bipartisan selection — that would oversee the stimulus spending via hearings and investigations through 2025.

The chair of the congressional 2008 package that targeted aid to banks was then a little-known Harvard University law professor: Elizabeth Warren, the future senator and presidential aspirant.

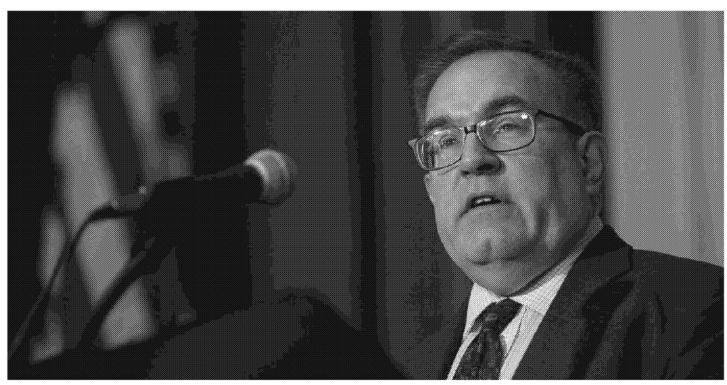
The Project on Government Oversight, a nonpartisan government watchdog, said the oversight provisions reflected changes it recommended after early drafts of the bill had little oversight.

Another provision sought by Democrats seems aimed at President Trump, whose hotels and other properties have closed due to the pandemic.

It would bar stimulus loans to any businesses that the president, vice president or executive branch head and their immediate family hold more than a 20% stake in.

Wheeler to states: Name water sector workers as 'essential'

Temera Ward, E&E News reporter Published: Monday, March 30, 2020



EPA Administrator Andrew Wheeler at agency headquarters last year. Francis Chung/E&E News

EPA Administrator Andrew Wheeler pressed state governors to designate drinking water and wastewater employees as "essential workers" during the novel coronavirus pandemic.

"Ensuring that drinking water and wastewater services are fully operational is critical to containing COVID-19 and protecting Americans from other public health risks," Wheeler wrote in a Friday letter.

Wheeler added, "I am writing to you to request that water and wastewater workers, as well as the manufacturers and suppliers who provide vital services and materials to the water sector, are considered essential workers and businesses by state authorities. ... Our critical infrastructure and the operators who ensure the safe supply of water to our homes and hospitals depend on treatment chemicals, laboratory supplies and related goods and materials."

In the letter, he cited March 16 <u>federal guidance</u> that states, "If you work in a critical infrastructure industry, as defined by the Department of Homeland Security ... you have a special responsibility to maintain your normal work schedule"

Wheeler also directly referenced DHS guidance that identifies water sector workers and suppliers as essential critical infrastructure workers.

Prior to the letter's release, Wheeler held teleconferences with the water sector to acknowledge the importance of their work during the pandemic and to identify ways EPA could support the sector, according to an agency press release.

"Continuing the ongoing partnership between EPA, states, water systems and the public is as important as ever during these challenging times," Alan Roberson, executive director for the Association of State Drinking Water Administrators, said in the release.

Small and rural operators were also included in the teleconferences to acknowledge their role in sustaining water and wastewater services.

"With more than 97 percent of public water systems and 72 percent of public wastewater systems serving communities of 10,000 people or fewer, the impact of the COVID-19 pandemic will reverberate in rural and tribal communities for years to come," said Rural Community Assistance Partnership CEO Nathan Ohle in the release.

Additionally, EPA said it has been supportive of jurisdictions that are taking measures to ensure continued access to clean water by discontinuing service cutoffs, restoring water services to customers and abating penalties for nonpayment (<u>Greenwire</u>, March 13).

American Water Works Association CEO David LaFrance said in the release that nearly half of water utilities have or are considering plans that allow essential workers to live on-site (*Greenwire*, March 23).

Wheeler said, "Our nation's water and wastewater employees are everyday heroes who are on the frontline of protecting human health and the environment every single day."

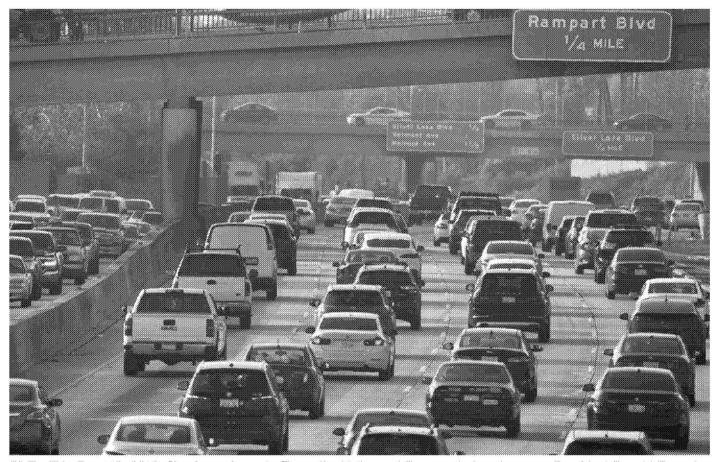
Auto mileage standards to be put in reverse

by ELLEN KNICKMEYER and TOM KRISHER The Associated Press | Today at 4:28 a.m. | Updated March 31, 2020 at 4:28 a.m.

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FILE - This Dec. 12, 2018, file photo shows traffic on the Hollywood Freeway in Los Angeles. President Donald Trump's is expected to mark a win in his two-year fight to gut one of the United States' single-biggest efforts against climate change, relaxing ambitious Obama-era vehicle mileage standards and raising the ceiling on damaging fossil fuel emissions for years to come. (AP Photo/Damian Dovarganes, File)

WASHINGTON -- President Donald Trump is poised to roll back Obama-era vehicle mileage standards and raise the ceiling on fossil fuel emissions for years to come, gutting one of the United States' biggest efforts against climate change.

The Trump administration is expected to release a final rule today on mileage standards through 2026. The change – making good on the rollback after two years of Trump threatening and fighting states and a faction of automakers that opposed the move – waters down a tough mileage standard that would have encouraged automakers to ramp up production of electric vehicles and more fuel-efficient gas and diesel vehicles.

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"When finalized, the rule will benefit our economy, will improve the U.S. fleet's fuel economy, will make vehicles more affordable, and will save lives by increasing the safety of new vehicles," EPA spokeswoman Corry Schiermeyer said Monday ahead of the expected release.

Opponents contend the change appears driven by Trump's push to undo regulatory initiatives of former President Barack Obama, and say even the administration has had difficulty pointing to the kind of specific, demonstrable benefits to drivers, public health and safety or the economy that normally accompany standards changes.

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The Trump administration says the looser mileage standards will allow consumers to keep buying the less fuel-efficient SUVs that U.S. drivers have favored for years. Opponents say it will kill several hundred more Americans a year through dirtier air.

Sen. Tom Carper of Delaware, the senior Democrat on the Senate Environmental and Public Works Committee, called it "the height of irresponsibility for this administration to finalize a rollback that will

lead to dirtier air while our country is working around the clock to respond to a respiratory pandemic whose effects may be exacerbated by air pollution.

"We should be enacting forward-looking environmental policy, not tying our country's future to the dirty vehicles of the past," Carper said.

Trump's Cabinet heads have continued a push to roll back public health and environmental regulations despite the coronavirus outbreak riveting the world's attention. The administration — like others before it — is facing procedural rules that will make changes adopted before the last six months of Trump's current term tougher to throw out, even once the White House changes occupants.

The National Highway Traffic Safety Administration, which has been the main agency drawing up the new rules, did not immediately respond to a request for comment Monday.

The standards have split the auto industry, with Ford, BMW, Honda and Volkswagen siding with California and agreeing to higher standards. Most other automakers contend the Obama-era standards were enacted hastily and will be impossible to meet because consumers have shifted dramatically away from efficient cars to SUVs and trucks.

California and about a dozen other states say they will continue resisting the Trump mileage standards in court.

Last year, 72% of the new vehicles purchased by U.S. consumers were trucks or SUVs. It was 51% when the current standards went into effect in 2012.

The Obama administration mandated 5% annual increases in fuel economy. Leaked versions of the Trump administration's latest proposal show a 1.5% annual increase, backing off from its initial proposal simply to stop mandating increases in fuel efficiency after 2020.

The transportation sector is the nation's largest source of climate-changing emissions.

John Bozzella, CEO of the Alliance for Automotive Innovation, a trade group representing automakers, said the industry still wants middle ground between the two standards, and it supports year-over-year mileage increases. But he says the Obama-era standards are outdated because of the drastic shift to trucks and SUVs.

EPA Issues Waiver to Avert Potential Summer Fuel Shortage



Luke Sharrett/Bloomberg

[Stay on top of transportation news: Get TTNews in your inbox.]

The U.S. Environmental Protection Agency has issued a waiver intended to avert a potential fuel shortage this summer by providing additional flexibility to the marketplace to transition from winter-grade to summer-grade blends.

"Due to the steep fall-off in gasoline demand as a result of the COVID-19 pandemic, gasoline storage capacity is limited and more time is needed to transition the distribution system in order to come into compliance for the summer driving season," said a March 27 EPA announcement. "EPA will temporarily waive the summer low volatility requirements and blending limitations for gasoline."

The announcement comes only a few days after American Trucking Associations and several other <u>fuel marketing</u> associations sent letters to the agency seeking the waiver, fearing potential gasoline and diesel shortages.



"ATA and the trucking industry are very pleased to see the administration recognizing the potential problems involving the continued, uninterrupted delivery of diesel fuel to the retail level," said Glen Kedzie, ATA's energy and environmental affairs counsel. "Granting this waiver is a critical step to allow those pipelines to serve the transport of multiple fuels, including diesel fuel."

EPA said that without a waiver of the summer gasoline requirements, parties upstream of retailers and wholesale purchasers would be required to stop selling the winter gasoline sitting in their storage tanks on May 1, which would prevent them from loading summer gasoline into the storage tanks, resulting in a shortage of gasoline.

"By waiving the low volatility and blending limitations through May 20, 2020, EPA will ensure a steady supply of gasoline," the announcement said. "EPA will continue to monitor the adequacy of gasoline supplies and, should conditions warrant, may modify or extend this waiver at a later date."

EPA also said that investigating and initiating enforcement actions against small refineries that were previously subject to an exemption is now a low priority for the agency.

Coronavirus News

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The exemption follows requests by ATA and several petroleum marketers asking the agency to prevent gas and diesel shortages this summer. "During these exceptionally trying times, it is critical for our country to remove all impediments for trucking companies to keep delivering the nation's supply of food, medicine and other essentialities," said a March 23 ATA letter sent to the agency. "With more than 80% of U.S. communities relying exclusively on trucks for their freight needs, we must ensure the trucking industry's fuel supplies keep flowing to the more than 600,000 interstate motor carriers nationwide."

ATA said that EPA, with the concurrence of the Department of Energy, has the statutory authority to issue a temporary regulatory waiver under a provision in the Clean Air Act that would allow terminals and retail pumps to continue to empty out the winter fuel grades from their pipelines and retail pumps.

ATA sent the letter to the EPA Office of Enforcement and Compliance seeking the waiver of the summer federal Reid Vapor Pressure requirements for gasoline sale ahead of the May 1 terminal deadline. ATA said that without relief from the agency, pipeline bottlenecks will inhibit the conveyance of diesel fuel to distributors and retail locations.

Four states — Louisiana, Mississippi, Georgia and Florida — have already granted waivers or indicated that they would not enforce continued sales of winter gasoline blends after the deadline, ATA said.

In addition to the ATA request, the National Association of Convenience Stores, Natso, Petroleum Marketers Association of America and Society of Independent Gasoline Marketers of America sent a joint letter to EPA seeking the waiver.

"With significant amounts of winter grade fuel remaining in tanks, terminals and pipelines, and the inability to sell it after the May 1, 2020, transition date, terminal operators will have limited capacity to take loads of summer grade fuel," said the fuel marketers' letter. "If terminal operators cannot take the summer grade fuel, the pipelines are expected to back up. Eventually, refineries will be forced to shut down production. These problems may be exacerbated for pipelines that ship both gasoline and diesel."

Home » Archive » Topics » Environment » EPA Honors 2020 ENERGY STAR® Award Winners

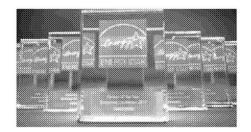


EPA Honors 2020 ENERGY STAR® Award Winners

March 30, 2020

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) are honoring 191 ENERGY STAR partners for their outstanding contributions to public health and the environment. The award winners — including Fortune 500 companies, schools, retailers, manufacturers, home builders, and commercial building owners and operators — have demonstrated national leadership in cost-saving energy efficient solutions. Recipients of the 2020 ENERGY STAR Awards come from 37 states.

"I salute the 2020 ENERGY STAR award winners," said EPA Principal Deputy
Assistant Administrator for Air and Radiation Anne Idsal. "These leaders
demonstrate how energy efficiency drives economic competitiveness in tandem with
environmental protection."



Here are just a few examples of how this year's ENERGY STAR Award Winners are taking action:

- Bristol-Myers Squibb Company, New York, NY: The biopharmaceutical company reached the ENERGY STAR Challenge for Industry goal with a 10.5% energy intensity reduction at its Humacao site, participated in the inaugural ENERGY STAR Treasure Hunt Campaign, and conducted 14 energy treasure hunts that identified over \$12 million in energy and water savings, and reduced its energy intensity by nearly 14% since 2013.
- Digital Realty, San Francisco, CA: This real estate investment trust achieved ENERGY STAR certification for 30 data centers representing 64% of its U.S. portfolio and benchmarked 100% of its U.S. real estate portfolio with the ENERGY STAR Portfolio Manager®.
- Energize Connecticut, Orange, CT: A statewide energy efficiency initiative (in partnership with Eversource Energy and AVANGRID) promoted ENERGY STAR HVAC and water heating products through many channels (independent and big-box retailers, manufacturers, equipment distributors, and contractors), provided incentives to nearly 27,000 ENERGY STAR certified units, and delivered ENERGY STAR services to 6,600 single-family and 2,350 multifamily residences.
- HP, Palo Alto, CA: The global technology company certified 96% of eligible products, trained 1,300 HP employees on the value of ENERGY STAR, and integrated ENERGY STAR information into events reaching over 465,000 partners and customers.
- KB Home, Los Angeles, CA: This large national home builder achieved the milestone of more than 137,000 cumulative
 ENERGY STAR certified homes built to date, more than any other home builder.
- Kenmore, Hoffman Estates, IL: The home appliance provider partnered with Bob Vila in an ENERGY STAR promotion that
 gained 500,000 participants, utilized ENERGY STAR point-of-sale materials, and delivered a web-based ENERGY STAR
 training to over 90% of sales associates selling ENERGY STAR certified Kenmore brand appliances.
- MetLife, New York, NY: The global financial services company gained ENERGY STAR certification for 25 real estate
 properties representing over 12 million square feet, delivered real-time energy monitoring dashboards with ENERGY STAR
 scores to more than 110 investment properties, and promoted ENERGY STAR certified programmable thermostats to
 MetLife customers.
- Ozinga Bros. Inc., Mokena, IL: This construction materials and logistics company built a corporate ENERGY STAR energy management program that reduced energy intensity by 15% in its first year.
- Patuxent Environmental Group (PEG), Fairfax, VA: This home energy rating company certified more than 5,000 homes as ENERGY STAR in 2019, for a total of more than 78,000 since 2007.
- Public Service Company of Oklahoma, Tulsa, OK: The electric utility company achieved 122% of its energy savings goal by
 providing incentives for many ENERGY STAR certified products—lighting, appliances, heat pump water heaters, electric
 vehicle supply equipment, pool pumps, and HVAC equipment—and producing a comprehensive training program involving
 sales associates, home energy raters, and homebuilders.

Since 1992, EPA's ENERGY STAR program and its thousands of partners have helped save more than 4 trillion kilowatt-hours of electricity and achieve over 3.5 billion metric tons of greenhouse gas reductions. In 2018 alone, ENERGY STAR and its partners helped Americans avoid nearly \$35 billion in energy costs.

Want to learn more about renewable energy and facility management?

Are you committed to sustainability at your facility? Check out all the latest news related to facility management, renewable energy, and the environment.

- Energize Denver Program Cuts Building Energy Use By 4.5% Energize Denver saved \$13.5M from 2016 to 2017, and once again saw 90 percent of covered buildings comply with the program.
- . BrainBox Al Launches First Al Technology For Autonomous Buildings BrainBox Al has unveiled its patent-pending technology enabling buildings to reduce energy costs by 25-35% and their carbon footprint by 20-40%.
- Question Of The Week: Would You Miss ENERGY STAR? If this U.S. EPA program is eliminated in 2018, what would it mean to energy efficiency efforts at your facilities?







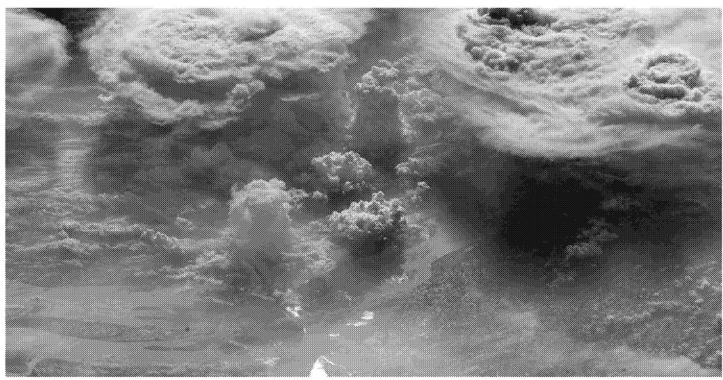






Massive ocean blob could help predict climate calamities

John Fialka, E&E News reporter Published: Tuesday, March 31, 2020



Monsoon clouds over Bangladesh as seen from the International Space Station. NASA/Flickr

What keeps people awake at night? For baseball players, it might be a late-breaking fastball. It looks like you could hit it right out of the park until it curves.

For meteorologists, an equivalent problem is called the Madden-Julian oscillation, or the MJO. It consists of patterns identified by two scientists in 1971 that suggested a connection between far-flung weather extremes, like monsoons in India and hurricanes in the North Atlantic, and a large blob of warming water in the Indian Ocean

The discovery made Roland Madden and Paul Julian at the National Center for Atmospheric Research famous. And for good reason. Calculated from air pressure information gathered by weather balloons, the patterns seemed to offer a step toward solving a global problem: the inability to forecast major weather events more than a few days before they occur.

That home run hasn't happened yet.

Almost four decades later, meteorologists are armed with more information than ever before: from space satellites, sensor-packed ocean buoys and data projections made with the help of supercomputers.

But they still don't fully understand the complexities of the Madden-Julian oscillation, or whether the warm ocean blob can help predict major weather events in the future.

Meanwhile, accumulating heat from climate change has doubled the size of the blob and increased the number and strength of extreme weather events.

What is going on?

"The impact of this warming on the MJO life cycle is largely unknown," is how a study published by six scientists in the journal *Nature* described the phenomenon in November 2019.

"This is a big challenge, and there could be huge rewards," explained Michael McPhaden, one of the authors of the study

A senior scientist at NOAA, he put it this way. "There has been some progress, but like all great challenges, the progress on it has been slow. We're making small steps, but there's still a long way to go."

The rewards could be massive. The *Nature* paper estimates the inability to predict weather extremes beyond more than a few days may cost the global economy as much as \$2 trillion annually. U.S. damage alone amounts to \$700 billion a year.

'Pineapple Express'

What we know about the MJO is that it starts with water vapor rising out of the hot spot in the Indian Ocean. That creates major ocean storms through a progression of clouds, rainfall, winds and fluctuating air pressures moving eastward as it begins to circle the equator. The trip can last 30 to 60 days.

The MJO's reach is extraordinary. The power of its thunderstorms raging at an altitude of 40,000 feet begins to tamper with the jet stream over the North Pacific. Among the results is the "Pineapple Express," an airborne river of tropical moisture that crosses the Hawaiian Islands on its way to the West Coast. There it can cause heavy snows, high winds and major flooding, depending on where it lands in a given year.

That is just the beginning of the MJO's jet stream manipulations. Over North America, impacts can include unusually cold outbreaks, heat waves, flooding and droughts.

Unlike other well-known weather shapers, such as the El Niño-Southern Oscillation (ENSO) — which is relatively stationary in a given area — the MJO tries to keep moving around the world. It has two alternate phases during its voyage. One is stormy and wet, marked by upward movement of winds. The other is sunny and dry, driven by downward winds.

Just where they might be expected to be in a given month, though, remains one of the many mysteries of the MJO. Sometimes during the summer, the MJO can stall or even disappear.

According to one NOAA paper, the MJO's activities are so broad that they fall into a gap between weather predictions, which can be accurate up to 10 days, and climate predictions, which begin around 90 days. Whatever the MJO is doing on a given day can affect both.

The ideal goal, McPhaden explained in an interview, is to extend accurate weather predictions out to four weeks

"it's a big target for us to try to understand and forecast better. Because if we can do that, then all these parts of the world that are affected by the MJO and all the impacts it has will be better prepared," he said.

"More accurate computer models," McPhaden added, "would be a step in the right direction."

But the MJO seems to go out of its way to avoid being observed.

Changes in the heated blob of water working underneath the MJO's atmospheric gyrations are hard to track. Officially, the blob is called the "Indo-Pacific warm pool," which is now estimated to be the largest body of distinctly warmer water on Earth.

According to the Nature study, it expands every year by an area the size of California.

Buoys gone missing

The blob is also shifting course. The MJO has begun spending less time in the Indian Ocean and lingering five more days in an area scientists call the Maritime Continent in the West Pacific.

The Maritime Continent consists of thousands of islands and peninsulas that make up Indonesia, Malaysia, Australia, New Guinea, the Philippines and Southeast Asia. The thousands of weather interactions between the MJO, the area's islands, mountains, wide swaths of water and seasonal pollutants from agricultural burning can confuse even the world's best computer models.

One of the many papers describing the MJO says meteorologists familiar with the models' weaknesses have learned "when to trust the models" and when not to. Sometimes weather is simply chaos, explains McPhaden, "but there are influences that have fingerprints, and MJO is one of them. There are times when those [fingerprints] are active and you can see their effects."

All this has made the MJO one of the biggest targets for meteorological research around the world. Chidong Zhang, a climate research division leader at NOA's Pacific Marine Environmental Laboratory in Seattle, spends most of his time trying to decipher the quirky behavior of the MJO in the Maritime Continent.

Forty percent to 50% of the time, the MJO simply disappears in the area. "If none of them made it through, the problem would be simpler, but some can get through" and continue their journey around the Earth, Zhang explained in an interview.

The problem is compounded by human factors. Some nations in the area regularly report their weather data, but some, such as Malaysia, don't. Meteorologists are working with countries in the region to get them to report data more regularly.

"We have to engage them, to invite them to join us. That's what we're doing now," Zhang said, noting that computer models have to be fed with better data. Of the world's 20 best computer models, fewer than five reliably predict the MJO's workings in a way that jibes with actual observations.

"The rest are off the table," Zhang explained.

The problem is particularly frustrating in the Maritime Continent, where nations are installing sensor-equipped buoys in remote areas where human weather observations are limited. Their mission is to feed more comprehensive weather data into the computer models — and improve predictions.

Some buoys are also equipped to track the subsurface ocean temperatures of the blob. Not only do the signals sometimes disappear, but the buoys do, as well.

"They have a very active fishing industry. You put any surface buoy out there and they will just grab it. That's still a challenge," Zhang added.

Texas shale producers ask state to cut oil output as demand plummets during coronavirus pandemic

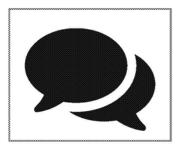
Two Texas oil companies with big business in the Permian Basin wrote to state regulators requesting an emergency meeting to consider reducing oil production as demand around the world has collapsed due to the new coronavirus.

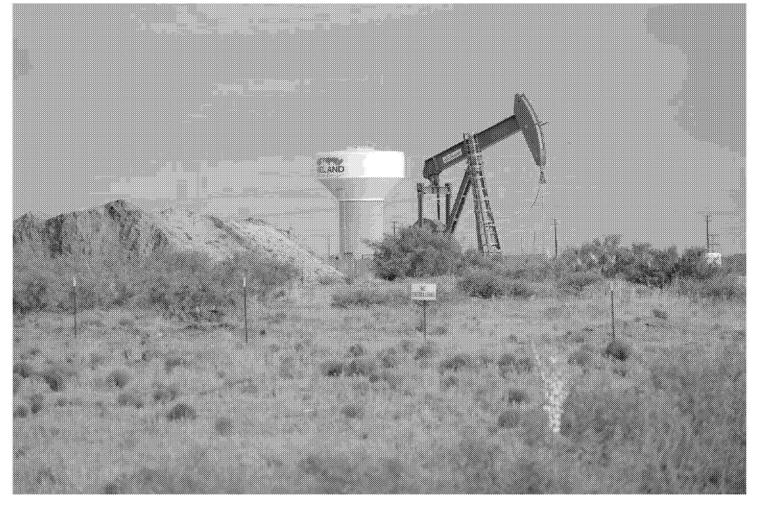
BY MITCHELL FERMAN MARCH 30, 2020 14 HOURS AGO













A pump jack on the north side of Midland.

Jerod Foster for the Texas Tribune

Coronavirus in Texas

The latest updates on coronavirus in Texas: At least 38 Texans' deaths have been linked to COVID-19 as the state experiences a public health disaster. Community spread has been discovered, at least 2,877 cases have been disclosed and the number of positive tests is expected to increase exponentially. If you're looking for information on coronavirus testing, here's what



you need to know. If you need help, here's how to get it. MORE IN THIS SERIES

HOUSTON — Two Texas oil companies with large footprints in the West Texas oil patch sent a letter Monday to state regulators formally requesting an emergency meeting to consider reducing oil production as demand for oil around the world has collapsed during the new coronavirus pandemic.

The presidents of Pioneer Natural Resources, based in Irving, and Parsley Energy, based in Austin, urged the Texas Railroad Commission — the state's oil and gas regulatory body — to hold a virtual meeting no later than April 13 "for the purposes of determining the reasonable market demand for oil, whether wasteful production either is occurring or is reasonably imminent, and, if so, the necessary and appropriate proration order to prevent such waste," the letter read.

Scott D. Sheffield, president of Pioneer Natural Resources, and Matt Gallagher, president of Parsley Energy, said a move to limit oil production in Texas "would be a responsible measure in the public interest." Also copied to receive the letter were Gov. Greg Abbott, Lt. Gov. Dan Patrick, and U.S. Sens. John Cornynand Ted Cruz.

A move to curtail oil output in Texas has not happened in decades and according to the letter is "not warranted except in extraordinary circumstances." The spread of COVID-19, the disease caused by the novel coronavirus, could be an exception. Pipeline operators have informed some companies to cut production, too, but railroad commissioners have the final say. They've been weighing the issue since some companies raised the possibility earlier in March.

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It is unclear whether the three elected commissioners are likely to limit production, but one, Ryan Sitton, has publicly supported the prospect.

"We can't wait another 20 days," Sitton tweeted Monday.

Sitton, who will depart the commission after this year following a Republican primary defeat in March, also said the body should hold a meeting as soon as possible.

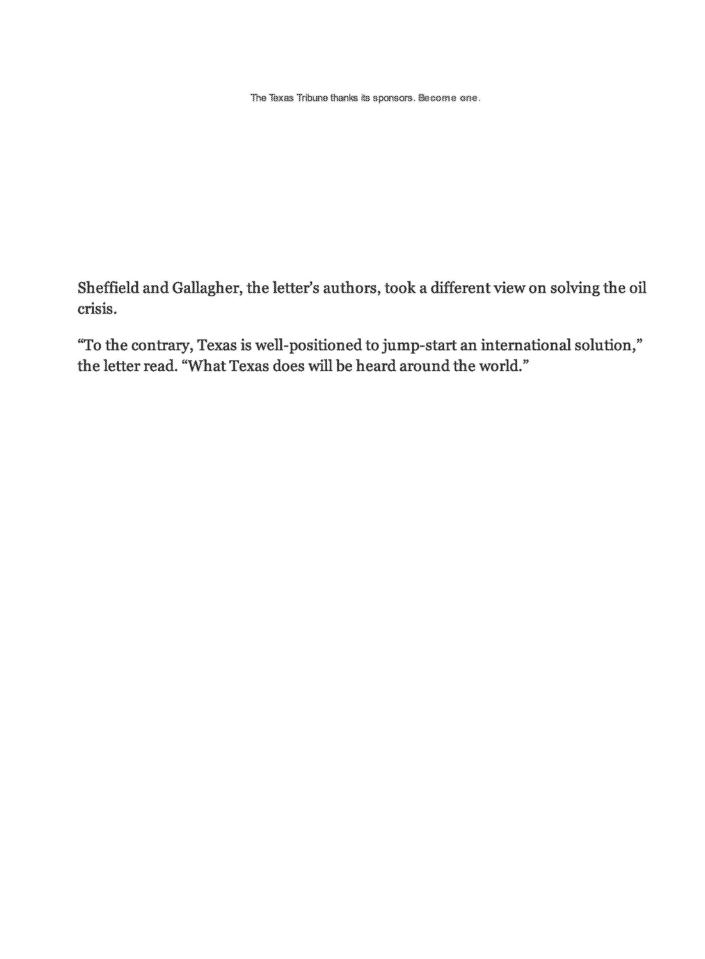
Sitton's two colleagues, Chairman Wayne Christian and Commissioner Christi Craddick, have not publicly said yes or no to reducing production.

"Stabilizing the international crude oil market is essential for the Texas economy, as well as our future energy sovereignty and national security," a spokesman for Christian said in a statement. "Chairman Christian looks forward to continuing discussing stabilization efforts, including tools like proration, to ensure we are doing everything we can to get Texans back to work. As he stated in a recent editorial in WorldOil, he believes we should act in collaboration with other states and the federal government, not unilaterally."

Shortly after discussions about the possibility of production cuts were made public in March, Christian said in a statement, "A couple of operators have suggested prorationing oil as a solution. While I am open to any and all ideas to protect the Texas Miracle, as a free-market conservative I have a number of reservations about this approach."

Todd Staples, president of the Texas Oil and Gas Association, has also opposed the idea.

"Proration is not a remedy TXOGA members are seeking, as it would disadvantage Texas, its producers, mineral owners and taxing entities," Staples said in a recent statement. "Regulatory certainty and stability are essential elements in managing during these difficult times."



ENERGY MARKETS

Support builds in Texas for mandatory production cuts

Mike Lee, E&E News reporter Published: Tuesday, March 31, 2020



A contractor working at a Colgate Energy LLC oil rig in Reeves County, Texas, in 2018. Bruce Detorres/Flickr

Two Texas oil producers asked state regulators yesterday to impose mandatory production quotas on drillers, saying it was necessary to prevent even worse economic harm from the collapse of oil prices.

The Railroad Commission of Texas last used the system, known as pro-rationing, in 1973. One of the commission's three members, Ryan Sitton, suggested reinstating the production cuts earlier this month in hopes of sparking an international agreement to raise oil prices (*Energywire*, March 24).

The two producers who made the request, Parsley Energy Inc. and Pioneer Natural Resources Co., are among the biggest shale drillers in the Permian Basin. Pipeline companies began turning away shipments from operators in the Permian and other fields last week because refineries have slowed down their production and there's limited space to store excess crude.

Large-scale production shutdowns at oil fields "appear inevitable," the companies said in a <u>letter</u>accompanying their motion.

"Without Commission action, operators will shut-in wells in an ad hoc and haphazard manner that will heighten industry disruption and cause economic waste," the companies wrote. "In short, the Commission must act promptly to ensure the shut-in process takes place in an equitable and orderly manner across the state."

The letter was signed by Pioneer CEO Scott Sheffield and Parsley CEO Matt Gallagher. Sheffield's son Bryan founded Parsley in 2008 and is its executive chairman.

Major trade groups including the American Petroleum Institute and the Texas Oil & Gas Association have opposed pro-rationing. Outside analysts have questioned whether it will work. But the idea appears to be gaining support among the commissioners.

Sitton said cutting production in Texas would give the Trump administration leverage to negotiate with Saudi Arabia and Russia about prices. Wayne Christian, the chairman of the Railroad Commission, has said he's willing to discuss the idea, with certain conditions.

Christian "believes we should act in collaboration with other states and the federal government, not unilaterally," his spokesman, Travis McCormick, said in a statement.

The oil industry is facing two simultaneous problems. The novel coronavirus outbreak has slowed down the world's economy, killing the demand for oil. Saudi Arabia and other oil producing countries have been holding

oil off the market since 2016 to maintain the price, but negotiations on continuing those cuts fell apart in early March.

As a result, the price for West Texas Intermediate crude has fallen below \$21 a barrel, less than half of what it cost a month ago. Thousands of oil field workers have already been laid off and tens of thousands more could lose their jobs.

Shale drillers like Parsley and Pioneer are vulnerable because their costs are higher than other producers, particularly Saudi Arabia.

The last time the Railroad Commission issued a pro-rationing order, the United States still had a quota on how much foreign oil it imported.

A lot of other things have changed in the oil business since the 1970s, said Elizabeth Rosenberg, a senior fellow at the Center for a New American Security.

Today, most oil production is protected by hedge contracts, which act like insurance policies to guarantee a minimum price for a company's oil. It's not clear whether companies could cut their production if they've already hedged it, even if the Railroad Commission ordered it, Rosenberg said.

It's also unclear if Texas' notoriously independent producers would go along with the idea. In the 1930s, Texas Gov. Ross Sterling (D) declared martial law and sent in the National Guard to enforce production limits in East Texas, according to the *Handbook of Texas* online.

"It makes total sense that an industry in chaos is contemplating all available options to do what they can," Rosenberg said. "But it's so antithetical to the way that the industry has been run and managed in the U.S. for so many decades that it's really quite difficult to contemplate that kind of a shift now."

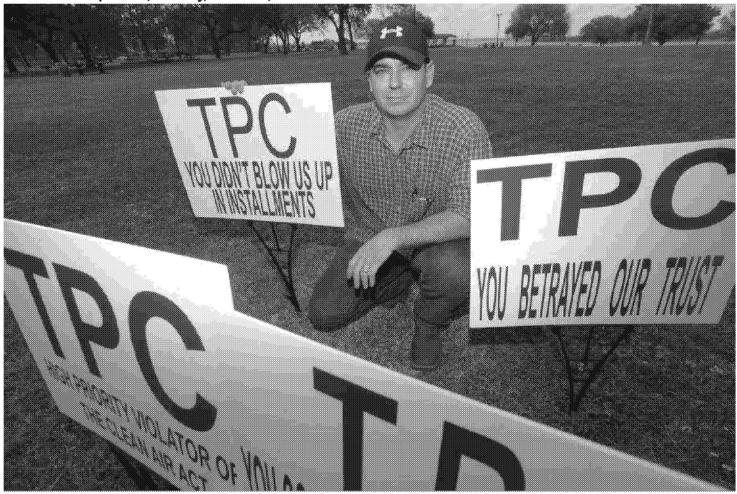
Sitton, who at 45 wasn't born the last time pro-rationing was used in Texas, said he wants the commission to consider the pro-rationing request as soon as possible, maybe even before the commission's next scheduled meeting on April 21.

While he agreed there are obstacles, he said the oil industry hasn't received any direct funding from Congress and would only be using an existing regulatory tool to stabilize prices.

"This would be an extraordinary event, but this is as extraordinary a time as I think you'll ever see," he said.

ENTERPRISE EDITORIAL: Groves mayor must support TPC victims, stop excusing company

Published 5:15 pm CDT, Monday, March 30, 2020



Daniel Reynolds holds signs that he has been placing throughout the community to maintain awareness regarding the TPC plant in Port Neches, its impact on the community and responsibility moving forward following last year's explosion. Photo taken Wednesday, March 11, 2020 Kim Brent/The Enterprise

Hundreds of residents in Mid-County have something in addition to coronavirus weighing on their minds. Their homes were damaged by the Nov. 27 explosion of the TPC Group plant, and their lives have been on hold ever since because most of them have not yet been fully compensated for their losses. In our Sunday follow-up, residents told us they are being offered less than they believe they deserve, or they are worried their homes have as-yet undetermined levels of damage. Some are tom between taking what they are offered now, or suing the company and hoping for full payment, a process that would take much longer and might have an uncertain outcome.

It's a tough dilemma, and they don't know how long this ordeal will drag out. At the very least, they deserve the support of public officials who have been elected to stand up for them when they need them most. TPC

as quickly and fairly as possible.					
Unfortunately, Groves Mayor Brad Bailey doesn't grasp this point. He told The Enterprise, "The company had an explosion and they did what they were supposed to do after. I think they went above and beyond, personally. If you want to get a lawyer, you can. This isn't the first explosion and it won't be the last. It's the price of doing business in this area."					
Is he serious? That's tone-deaf and insulting.					
Is he serious? That's tone-deaf and insulting.					

needs to know it is facing a united front of residents and elected officials who want these claims resolved

How can he say that the TPC "did what they were supposed to do" or even "went above and beyond"? If it had, countless claims wouldn't still be outstanding and Mid-County wouldn't be dotted with lawn signs saying, "TPC, you didn't blow us up in installments."

And by no means is the occasional traumatic explosion "the price of doing business in this area." No safety official — or average citizen — can accept a low standard like that. Our petrochemical plants must operate to the highest standards precisely because they handle volatile products. Anything less could have tragic consequences.

Bailey also failed to show leadership by declining to accept any role for city government in the matter, despite the clear and ongoing impact on its residents.

"I don't think a city getting involved will change the outcome because the EPA or TCEQ is supposed to take care of it," he told The Enterprise. "It would be asinine (to make a public statement in support of new legislation). We got approached about that several months ago and I think we all took the stance that we're putting our nose where it shouldn't be stuck. ... It wouldn't come from our city, I can promise you that."

Bailey did at least comment for our article, unlike several other officials who did not respond to the region's largest daily newspaper on one of the most important things to happen in Jefferson County in years. That group includes Nederland Mayor Don Albanese, state Sen. Brandon Creighton and U.S. Reps. Randy Weber and Brian Babin. They could have, and should have, said something to show Southeast Texans they care about their well-being more than anything.

Companies like TPC take notice of the no-comment list or remarks like Bailey's. Unfortunately, it could tempt some to think that business-as-usual is OK, or they're in the clear if something goes wrong. No. They should understand that the people of Southeast Texas aren't so forgiving. We deserve a community that's safe and healthy, and we will settle for nothing less.

Mobilizing oil field technology to battle Coronavirus

Mobile disinfection units produce useable bleach



Alex Gonzalez of Fort Stockton explains how the Neptune De Nora ClorTec® mobile treatment units can be use to produce sodium hypochlorite that can be used for killing the Coronavirus on surfaces. (Steve Fountain)





Posted Monday, March 30, 2020 12:34 pm

By STEVE FOUNTAIN Pioneer Publisher

Alex Gonzalez didn't envision being able to provide bleach to combat a viral pandemic when he got into disinfecting water used in oil and natural gas drilling 11 years ago.

But amid the current Coronavirus pandemic, Gonzalez has taken some of the mobile disinfecting units he and his family's company – Neptune De Nora – created in Fort Stockton for use on oil well sites, and deployed them to two Texas counties that are short on disinfecting liquids.

"We build all of these units and, darn, if COVID-19 (Coronavirus) doesn't show up," Gonzalez said.

The units – 14 at present – are built by Neptune in Fort Stockton and contain the patented process equipment from De Nora, a company based overseas in Italy. Each completed unit cost about \$550,000.

The ClorTec® mobile treatment units produce sodium hypochlorite, which is the main ingredient found in common bleach, only in a lower concentration.

"If you dilute it, you can spray it everywhere," Gonzalez said. "I have a bottle, and I use it on gas pumps, the keys, whatever. I have a towel and wipe it down. I can spray it on my clothes and it won't fade the fabric. If I get it on my hands, it doesn't burn or harm you."

Any use beyond the oil fields requires approval of a county judge or city official, as Neptune is not set up by the EPA as wholesaler or retailer. Essentially, a government body leases the mobile unit and Neptune produces the bleach. It is up to the government entity on what to do with it.

Gonzalez said the need for bleach hit about about two weeks ago.

"My wife, Carol, is in Odessa shopping and calls me to tell me the stores are out of bleach and toilet paper, too," Gonzalez saids. "She asked me to see if the boys could bring in a gallon from the field. I told her I'd see how much it would cost — it was a joke, but that is got me thinking.

"The shelves at Walmart are still empty unless you get there first-thing in the morning. The key to stopping the spread is killing the virus," Gonzalez. "This will kill the virus immediately on any surface."

Public Distribution

On March 23, Val Verde County Judge Lewis G. Owens Jr. announced that the liquid disinfectant produced by a mobile Neptune unit will be distributed at locations around Del Rio and Comstock. The distribution was set to start on March 25, after The Pioneer's print deadline.

"Hopefully on Wednesday (March 25) morning, if we can get it all hooked up and set up, we will have five locations where it will be given out, free of charge, to the public," Owens told local media in Val Verde County.

Free distribution was held last week in Fort Bend County, with people lining up in their cars at 5 a.m. March 22 for the start of free drive-thru distribution in Richmond of a 32-ounce spray bottle of diluted bleach and a gallon of undiluted bleach.

Fort Bend County Judge KP George ended the public distribution on March 23, deeming the operation "no longer essential" – something Fort Bend County Sheriff Troy Nehls took to social media to express his disagreement. George has limited future distribution only to county officials and employees.

Gonzalez said he has been contacted by other municipalities, and is in the process of finalizing plans with each. While he has not yet been contacted by Pecos County or the City of Fort Stockton, Gonzalez that said should a need arise locally, Neptune could accommodate any local request.

Gonzalez hopes a unit might be of use nationally, especially in cities with larger Coronavirus outbreaks. Each unit could easily supply the needs of a community or city, including hospitals, prison, government buildings as well as public needs.

Effective, shorter

shelf life

The hypochlorite produced by the Neptune De Nora technology is normally used to remove bacteria from hydraulic fracturing fluids prior to being pump into wells, as well as recycling the fluids after use.

Hypochlorite made in the process is at a concentration of 0.8 percent – less than one percent – or 8,000 parts per million (ppm). As such, it is not considered a hazardous material.

Bleach commonly purchased in a retail store is 8 percent, or 80,000 ppm.

The national Centers for Disease Control (CDC) recommends a concentration of between 500 to 1,000 ppm to kill viruses on surfaces, including the Coronavirus. So, either product diluted properly will effectively kill viruses immediately on contact.

"You can still use it, but you have to realize it is at lower level after time," Gonzalez said.

The major difference is that bleach in stores has preservatives to extend shelf live, while the Neptune product begins to loose potency after 48 hours and, after two weeks, will be down around 5,000 ppm undiluted, Gonzalez said.

"That's the perplexing part – where do I put it? I don't have shelf life because there are no additives," Gonzalez said.

Fort Bend stored the product in 300-gallon containers before prepping into smaller containers for distribution.

Municipal Water

De Nora's technology is primarily used to kill bacteria in municipal water supplies. It is also used for salt-water swimming pools.

The process uses common salt and water to make a brine that is then run through titanium plates and exposed to positive and negative electrical charges. This produces the sodium hypochlorite, that is then added to the water supply in order to kill bacteria.

Gonzalez made the connection to use it onsite for oil and natural gas drilling. He starting building the units in 2016 for use on sites around the Permian Basin. Last year, De Nora purchased Neptune and formed Neptune De Nora, of which the Gonzalez family – in its fifth generation in Pecos County – retains an ownership share.

The mobile units are able to keep up the high-volume water processing needed in the oil fields, producing up to 25,000 gallons of sodium hypochlorite in 24 hours.

Gonzalez said a fracking operation can use 100 barrels – or 4,200 gallons – of fluid per minute, with more than 25 million gallons – or 600,000 barrels – needed during an average operation.

"It's just like treating municipal water," Gonzalez said. "It's that same purpose. We just do it at a higher volume. Fracking is using as much water as a municipality."

Once on site, all the unit needs is a supply of electricity and water. The unit includes a climate-controlled lab for testing and monitoring.

Family operation

The Gonzalez family still uses the land settled by Alex's great-great-grandfather in 1800s. Alex's father, Alex R. Gonzalez, was a longtime judge whose name appears on the county courtroom used by the 83rd and 112th district courts.

Alex's son, Lambert, oversees most of the company's operations and does much of the design work on the units. Alex's wife and daughters handle the administrative side, and his son-in-law oversees the yard of the company's site off 7D Road.

Gonzalez said he started in the business of oxidant disinfection for oil fields more than 11 years ago with a chlorine dioxide process – which avoided the use of biocides that he called "poison and cancer causing."

"It was safer and cheaper and the market accepted it," Gonzalez said.

He solid that company and headed to Pennsylvania for the Marcellus Shale natural gas boom. He returned to Pecos County in 2016 amid a slump in the Pennsylvania market. His non-compete agreement with his former company had expired, which lead to the development with De Nora.

The normal lease price for a unit is \$16,000 per day. Gonzalez said he is leasing the units to municipalities for about \$8,000 per day, which includes transportation to and from the site and set up.

LUCAL // NUUSIUN

Oysters in Galveston Bay are on the rebound. Will it stay that way?

Nick Powell

March 30, 2020 Updated: March 30, 2020 8:05 p.m.

Coronavirus New Normal Local Texas Sports Nation Election 2020 Weather Business Preview



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Clusters of oysters pulled up by Prestige Oysters demonstrate as they harvest oysters in Galveston Bay on Thursday, Feb. 27, 2020. The oyster population in Galveston Bay is experiencing a severe decline, in part due to a series of severe storms and flooding that has stressed oyster beds and the quantity of oysters available to harvest.

Photo: Elizabeth Conley, Houston Chronicle / Staff photographer

SAN LEON — Joaquin Padilla steered his white oyster boat, MISS KOSOVARE, in deliberate, counter-clockwise circles on an unusually placid Galveston Bay. The boat's oyster dredge — a chain mesh net with a heavy steel frame – dragged on the port side of the boat along the floor of the bay, raking up dozens of oysters of various sizes.

to work cleaning and sorting oysters, hammering with mechanical precision and chucking rocks and dead or undersized oysters back into the water.

As a kid growing up in San Leon and working as a deckhand for his fisherman-uncle, Padilla remembered seeing up to 150 oyster boats in Galveston Bay, competing for an

Coronavirus New Normal Local Texas Sports Nation Election 2020 Weather Business Preview "Right now, you can count with your fingers, altogether maybe 20 boats," Padilla said.



The oyster population has dwindled from its peak two decades ago due both to market charges as well as a cyclical battle with droughts, floods, hurricanes, even invasive snails. The state responded in 2017 by sharply limiting oyster harvesting.

The good news: the commercial oyster fishery in Texas had one of its most productive years in 2019, producing \$22.4 million worth of economic benefit, and wholesalers and fishermen said the 2020 season was continuing that trend. Then came the global coronavirus epidemic.

has tanked the demand for oysters. Several oyster dealers have shut down because the market and supply chains are no longer there. The dealers still in business are freezing pints and gallons of oysters for sale at a later date.

With so many existential threats looming, the question facing fishermen like Padilla is

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Restoring reefs

In his early days on Galveston Bay fishing for his employer, Prestige Oysters, Inc., Padilla and his crew would haul in as many as 150 sacks — defined as 110 pounds — of oysters per day.

Today, state regulations limit all oystermen to 30 sacks per day. What used to be a seven-day-a-week trade has been reduced to five. Texas Parks and Wildlife Department has gone so far as to shut off certain parts of the bay to oyster fishing entirely to allow new oysters the time (18 months to 3 years) to fully mature.

While some might view the steep drop in oyster fishing as alarming, oystermen such as Padilla are hopeful. He and other Prestige fishermen have personally invested time in restoring the private reefs leased out by the state — dumping piles of river rock and limestone into certain sections of the bay for oysters to spawn.

On a recent outing, he grabbed a clump of limestone from the pile just lifted from the bay floor and pointed to the fruits of this labor — small saucer-shaped oyster shells clinging to the stone, immature oysters that will someday be ready to harvest.

"If we don't work the reefs so hard, we get those reefs back, little by little," Padilla said.

Raz Halili, vice president of Prestige Oysters, said maintaining its private reefs is one way to ensure the company can withstand future natural disasters that devastate the bay's larger oyster population.

"It is a constant battle with Mother Nature, she's unpredictable and she can be very unforgiving," Halili said. "We're out here putting millions of dollars in the water and we wouldn't be doing that if we thought this business was going away anytime soon."

whose 17-foot storm surges swept over Galveston and Bolivar Peninsula, stirring up sediment that blanketed oyster reefs, effectively smothering them. Parts of East Bay lost all of its reefs, and about half of Galveston Bay's oyster population vanished.

"Galveston (Bay) was the driver of the commercial oyster fishery in the state of Texas,"

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Prior to Ike, Texas had been the second-largest producer of eastern oysters — the bivalve native to the Gulf Coast — in the nation, second only to Louisiana. At one point in the early 2000s, Texas accounted for about 20 percent of the national landings for eastern oysters, 80 percent of which came from Galveston Bay.

Oysters are remarkably resilient. An individual oyster can filter plankton, nitrogen and other pollutants from as much as 50 gallons of water per day, providing an enormous benefit to Galveston Bay, which has a long history of industrial activity and oil spills.

But an oyster's survival depends on the precarious balance between heavy rainfall and prolonged dry spells. A nearly five-year drought beginning in 2011 raised salinity in the bay to dangerous levels, attracting bacteria, disease and natural oyster predators like the oyster drill — a little snail that preys on oysters by drilling a hole through their shell.

Freshwater runoff from major flooding events in 2015 and 2016, as well as the massive pulses of rain from Hurricane Harvey in 2017, dealt further setbacks. Harvey alone wiped out 90 percent of the oyster reefs in East Bay.

"We had planted a lot of the material (in East Bay) and we were getting tremendous recruitment — really, really good-looking crop of oysters coming in over there," Robinson said. "And then Harvey hit and wiped out all of these gains that we made."

Bouncing back

Robinson said he believes rule changes adopted by the Texas Legislature in 2017 — new sack limits, the ban on weekend havesting, closing off parts of the bay to fishing entirely — had oysters on the road to recovery. State regulators cracked down on oystermen who culled immature oysters from reefs.

changes. But the reduction in sack limits led to higher quality oysters being harvested, and the smaller supply meant wholesalers such as Ivic could raise prices.

The rule changes "turned out to be the best thing that anyone did in Texas, now that I look backwards," Ivic said. "You have a quality of oysters now that goes on the market that is just about perfect."

Ivic acknowledged, however, that the rule changes put a dent in the pockets of fishermen. Oystermen make about \$40 per sack, according to Ivic. When you subtract expenses for diesel fuel, paying deckhands, food and other expenses, a boat captain like Padilla is left with \$10 to \$15 in take-home pay per sack. Multiply that by the 100 days that the state allows for oyster season — which runs from November through April 30 — and an oysterman takes home only about \$30,000 by the end.

"That's the downside," Ivic said. "You have to try to do something else to survive the other six months."

Private leasing debated

For Padilla, that means harvesting from Prestige's private leases in the summer, where the sack limits are not subject to the same regulations — and where his profit margins are higher. He counts as a blessing that he is able to continue in this line of work during the off-season when many oystermen struggle.

"Not everybody has a chance to work the whole year," Padilla said. "My stepdad and my uncle, they have to go shrimping or do something else to keep working the next six months."

However, the proliferation of private oyster reefs in the bay has not been without controversy. Some say oysters are a public resource and that reefs should be reserved for public harvesting. Supporters say private leases are well-maintained and responsibly harvested in a way that public reefs aren't.

Bob Stokes, the president of the Galveston Bay Foundation, a regional environmental advocacy organization, said he's concerned about the whack-a-mole cycle of restoring reefs to a mature oyster population only to see them overfished.

For Padilla, maintaining the private leases gives him an additional stake in the future of his livelihood. He wants the oyster trade to be an heirloom, a skill he can pass on to his children, who used to accompany him on the boat when oyster reefs were open for fishing on weekends.

"Maybe later on my kids can come drive the boat, you never know," Padilla said. "I hope those oysters don't disappear. If we work together, we can have those oysters for a long, long time."

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Major public-private solar project gets OK

By Kevin Robinson-Avila / Journal Staff Writer

Published: Friday, March 27th, 2020 at 1:14pm Updated: Friday, March 27th, 2020 at 11:08pm



An existing solar array near Deming in southeastern New Mexico. (Roberto E. Rosales/Journal)

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State regulatory authorities approved construction of a new 50-megawatt solar project this week to provide renewable energy to a number of cities, counties and entities around the state.

The solar array, to be located on 400 acres at the Jicarilla Apache Nation in northern New Mexico, will come online in March 2021 as part of a novel partnership among Public Service Company of New Mexico and five local governments, including the cities of Albuquerque, Deming and Silver City, plus Santa Fe and Grant counties. Deming Public Schools, Western New Mexico University and Walmart are also participants.

The five-member state Public Regulation Commission on Wednesday unanimously approved the project, dubbed the PNM Direct Solar program, to help participants achieve their sustainable energy goals at an affordable price, said Albuquerque Mayor Tim Keller.

"We have put our city in the top 10 nationwide for renewable cities," Keller said in a statement. "We're working side-by-side with our partners to show that we can do better for future generations."

The project will cost \$50-\$60 million, paid for by participating entities. It's a first-of-its-kind collaboration between PNM and large institutional consumers to voluntarily work together on building a renewable facility to serve all their needs.

Once online, the array will cover at least 54% of Albuquerque's public electric consumption, propelling the city more than halfway toward its goal of 100% renewable energy by 2030, said Kelsey Rader, the city's sustainability officer.

The city is currently completing construction on nine more rooftop solar systems, for a total of 38 city-owned systems that together provide another 11 to 15 MW of renewable generation. With planned energy efficiency retrofits at city buildings, plus new electric vehicles and charging stations, Albuquerque could reach 80% renewables by 2021.

The new utility-scale solar project is critical for Albuquerque and its partners to achieve renewable goals, because economies of scale substantially lower costs compared with individual rooftop systems, Rader said.

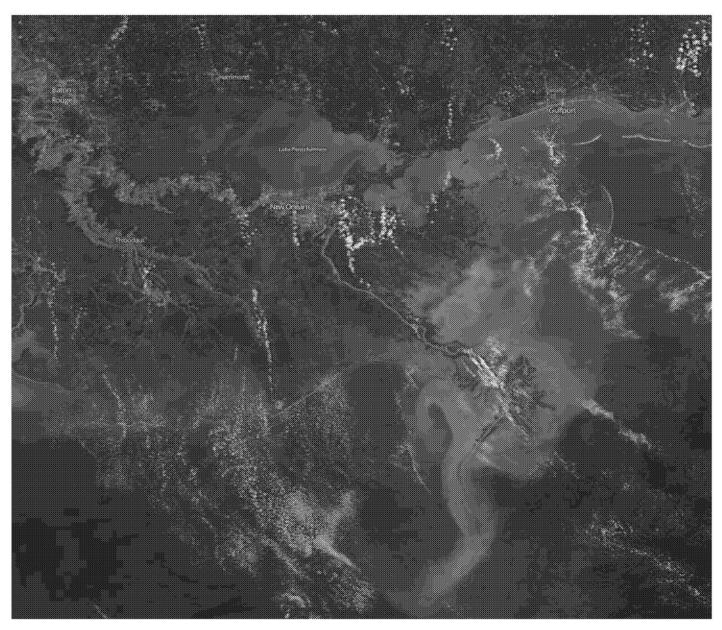
Participants will save about 5% on electricity costs in the first year, although after PNM shuts the coal-fired San Juan Generating Station in 2022, annual savings could decline because fuel costs for all PNM customers will drop, said PNM Vice President of Generation Tom Fallgren.

Project costs are also lowered by building the facility at Jicarilla, which already has a transmission line connecting to PNM's grid. There are no property taxes at Jicarilla, although the tribe will receive \$1.5 million in lease payments.

https://www.nola.com/news/environment/article_b8d63b26-72ce-11ea-803f-6b5d70892755.html

Mississippi River rising to near 17 feet again, but still no spillway opening

BY MARK SCHLEIFSTEIN | STAFF WRITER MAR 30, 2020 - 4:37 PM



Sandy-colored Mississippi River water stained with sediment is visible along the river's path through southeastern Louisiana in the satellite image from Thursday, March 26.

NASA Aqua Modis satellite

Mark Schleifstein

The Mississippi River in New Orleans is again forecast to rise to just below 17 feet, the official flood stage, by April 13, thanks to heavy rains over the weekend and new ones expected in the next few days over the lower Ohio and Arkansas rivers, according to the National Weather Service.

The river was at 15.55 feet early Monday at the Carrollton Gauge in the Riverbend area of New Orleans. It is forecast to stay at 16.9 feet from April 13 to April 16, according to the latest forecast of the Slidell-based Lower Mississippi River Forecast Center. The river will then experience a slow fall, but will still be at 15.3 feet on April 27, the end of the agency's 28-day forecast.

Mississippi River cities brace for 'fight on two fronts': coronavirus and spring flooding

A spokesman for the Army Corps of Engineers said it still has no plans to open the Bonnet Carre Spillway at Montz, upriver from New Orleans, to lower water levels in the river by funneling part of its flow into Lake Pontchartrain.

"We will be reaching about the same flow as the earlier peak this year," said spokesman Ricky Boyett Jr. "However, elevations could come in slightly higher than last time because the natural storage areas between the levees are already full."

The Corps generally doesn't open the spillway unless the volume of water is expected to go above 1.25 million cubic feet per second at the structure, he said. The speed of the water past New Orleans is about 6 feet per second.

Levees and floodwalls protect the New Orleans area to water heights of between 22 and 25 feet.

Mississippi River set to reach flood stage in New Orleans, but spillway to stay closed

With the river above 15 feet, Corps "flood fight phase II" rules remain in effect, meaning the movement of heavy loads on and over levees and underground work near the levee is prohibited. Restrictions on work along the river have been in place since Jan. 9, when the river reached 11 feet in New Orleans, triggering rules that require permits for work on or near levees, and twice-weekly inspections.

Corps and local levee district officials are conducting once-a-day inspections of river levees from the river's mouth to above Baton Rouge. Those inspections include 196 problem areas, including 76 sites where water is seeping through levees, five sand boils, 31 levee soil slide areas, and five locations where animal burrows have damaged levees. None have been found to be significant problems.

The Corps also is analyzing the stability of a segment of the riverbank on the river's east bank near Braithwaite in Plaquemines Parish

where a container cargo ship ran aground on Friday.

Corps increases levee inspections as Mississippi River rises above 11 feet at New Orleans

The U.S. Coast Guard received a report at 3:20 a.m. Friday that the Liberia-flagged Belita had run aground on a rocky rip rap segment at mile marker 81, and restricted vessel movement in the area to one-way traffic rules while tugs moved it off the river bank.

The ship then moved to the Nashville Wharf in New Orleans, where it was inspected and declared seaworthy the next day. On Monday it was arriving at the port of Tampa, Fla.

Huge container vessel freed Friday after running aground in St. Bernard Parish

Mark Schleifstein covers the environment and is a leader of the Louisiana Coastal Reporting Team for The Times-Picayune | The New Orleans Advocate.

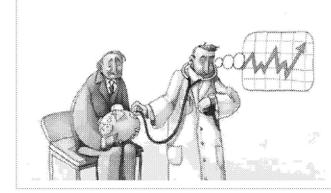
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By The Penny Hoarder

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From: Ford, Mark [Ford.Mark@epa.gov]

Sent: 4/8/2020 3:00:47 PM

To: devon.downs@mlfarleypc.com; Adams, Adam [Adams.Adam@epa.gov]

CC: Smalley, Bryant [smalley.bryant@epa.gov]; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Devon,

Thanks goes to Adam. Also, thank you for the feedback and clarification on the documents. If there are any other issues, we will reach out to you.

Mark Ford Senior Attorney/ORC FOIA Branch

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Wednesday, April 08, 2020 8:03 AM

To: Adams, Adam <Adams.Adam@epa.gov>; Ford, Mark <Ford.Mark@epa.gov>

Cc: Smalley, Bryant <smalley.bryant@epa.gov>; 'Mark L. Farley' <mark.farley@mlfarleypc.com>
Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam and Mark-

Thank you for the clarification. We now understand you are also referring to the drone footage that was produced and updated several times. In addition to what we have already designated as Personal Identifying Information (TRG incident action logs that the November and March letters addressed), we are also designating each production of drone footage (I highlighted Adam's description of this, below) as containing Sensitive Security Information ("SSI"), as is defined in 49 C.F.R. Section 1520.5, which is also exempted from public disclosure under 49 U.S.C. Section 40119(b).

Specifically, we are designating all drone footage as containing Sensitive Security information because it contains low altitude footage of tanks and pipes containing process chemicals that could be targeted by an external threat. The facility is pivoting to a terminal mode, and therefore this footage could be used in the future to target specific portions of the facility. This low-altitude and detailed footage is not publicly available, and if made available could pose a security threat.

Thanks very much, Devon

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | M

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Adams, Adam < Adams. Adam@epa.gov>

Sent: Monday, April 6, 2020 6:58 AM

To: devon.downs@mifarleypc.com; Ford, Mark <Ford.Mark@epa.gov>; 'Mark L. Farley' <mark.farley@mifarleypc.com>

Cc: Smalley, Bryant < smalley.bryant@epa.gov>

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Good morning Mr Downs,

There's two discussions going on. The first was in respect to Mr Farley's Nov 30, 2019 letter. The second is regarding the external hard drive with drone photos and videos that was provided and updated several times.

Regarding the second discussion and referenced in Mr Ford's email, it was regarding a forwarded email from Mr Gehrke on Dec 12, 2019 that references the external hard drive with drone photos and videos that is marked ""CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" and states "some of the information...". We're requesting TPC identify which information on this hard drive TPC is claiming is exempt and which is not, please.

Also, please see your email to me on December 1, 2019 (pdf attached) regarding the external hard drive, with the same statement. The hard drive was provided on December 1 and updated sporadically by Mr. Gehrke.

Very Respectfully, Adam

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarlevpc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Brian Gehrke

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Monday, April 06, 2020 6:28 AM

To: Ford, Mark < Ford. Mark@epa.gov>; 'Mark L. Farley' < mark.farley@mlfarleypc.com>

Cc: Adams, Adam <Adam@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Apologies, Mark, but the attachment appears to be corrupted: "content image001.jpg of type has been blocked."

Could we send you a drop box link and you could email us the attachment that way?

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mifarleypc.com | W: www.mifarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Friday, April 3, 2020 11:53 AM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' mark.farley@mlfarleypc.com>
Cc: Adams, Adam <Adam@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Devon and Mark,

The attachment is a second section of data that the TPC legal claims "Please note that some of the info.." on the email below from Brian Gehrke (**TPC rep – see below email from Brian**).

This external hard drive was produced by TPC contractors, The Response Group, and provided to EPA. This is separate from the current discussion this morning that we were having. We were discussing the Incident Action Plans'.

Question: On this attachment, will you clarify which "some" of the information on the external hard drive of drone footage and photographs you claim to be exempt.

Many thanks gentlemen,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

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Brian Gehrke	
Brian.Gehrke@tpcgrp.com	
A Marine and Indept. The options and associated by the contribution of the contributio	
Quality Products, Dependable	Services.
	rk Place Boulevard Houston, Texas 77017
713.740.3415 Cell: 713.419.3	and the same of th

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From: Ford, Mark [Ford.Mark@epa.gov]

Sent: 4/7/2020 2:41:25 PM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

CC: Adams, Adam [Adams.Adam@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Good morning Devon,

Apologies never needed. I am working on the situation and hope to have an answer today.

Many thanks for your patience,

Mark Ford Senior Attorney/ORC FOIA Branch

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Monday, April 06, 2020 6:28 AM

To: Ford, Mark < Ford. Mark@epa.gov>; 'Mark L. Farley' < mark. farley@mlfarleypc.com> **Cc:** Adams, Adam < Adams. Adam@epa.gov>; Smalley, Bryant < smalley.bryant@epa.gov>

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Could we send you a drop box link and you could email us the attachment that way?

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | In

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Friday, April 3, 2020 11:53 AM

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

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This external hard drive was produced by TPC contractors, The Response Group, and provided to EPA. This is separate from the current discussion this morning that we were having. We were discussing the Incident Action Plans'.

Question: On this attachment, will you clarify which "some" of the information on the external hard drive of drone footage and photographs you claim to be exempt.

Many thanks gentlemen,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Gehrke, Brian Bent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov

Cc: Saldana, Margarite < <u>Margarite.Saldana@tpcgrp.com</u>>; <u>mark.farley@mlfarleypc.com</u>; Danica McAllister < danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

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From: Bordelon, David [David.Bordelon@WestonSolutions.com]

Sent: 4/7/2020 2:25:18 PM

To: Adams, Adam [Adams.Adam@epa.gov]

CC: Greenwich, Olive V. [o.greenwich@westonsolutions.com]

Subject: RE: South 4 Group RCMS through 3/27/20

Attachments: ATT00001.txt; Pages from 234.01.006 - Invoice 11315-2.pdf

This may help. Not the actual receipt, but detailed gas info.

to the they want to happy to "to the place to the special party of the they have to be come the oriented to the state of t	

David Bordelon

Weston Solutions, Inc.

13702 Coursey Blvd, Bldg 7 Baton Rouge, LA 70817 (225) 297-5403 Direct (225) 772-7921 Cell

David.Bordelon@westonsolutions.com

From: Adams, Adam [mailto:Adams.Adam@epa.gov]

Sent: Tuesday, April 7, 2020 9:03 AM

To: Bordelon, David <David.Bordelon@WestonSolutions.com> **Cc:** Greenwich, Olive V. <O.Greenwich@WestonSolutions.com>

Subject: RE: South 4 Group RCMS through 3/27/20

** External Email **

Looks good. Do you happen to have the fuel rcpt?

From: Bordelon, David < David.Bordelon@WestonSolutions.com >

Sent: Tuesday, April 07, 2020 8:43 AM
To: Adams, Adam < Adams. Adam@epa.gov>

Cc: Greenwich, Olive V. <o.greenwich@westonsolutions.com>

Subject: South 4 Group RCMS through 3/27/20

Adam,

Please see attached RCMS report through 3/27/20. Please let us know if you have any comments or questions.

Thank you

David



David Bordelon
Weston Solutions, Inc.
13702 Coursey Blvd, Bldg 7
Baton Rouge, LA 70817
(225) 297-5403 Direct
(225) 772-7921 Cell
David.Bordelon@westonsolutions.com

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From: Bordelon, David [David.Bordelon@WestonSolutions.com]

Sent: 4/7/2020 2:04:58 PM

To: Adams, Adam [Adams.Adam@epa.gov]

CC: Greenwich, Olive V. [o.greenwich@westonsolutions.com]

Subject: RE: South 4 Group RCMS through 3/27/20

Attachments: ATT00001.txt

We do not. Looked for it and made some calls. Could not locate it.

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David Bordelon

Weston Solutions, Inc.

13702 Coursey Blvd, Bldg 7 Baton Rouge, LA 70817 (225) 297-5403 Direct (225) 772-7921 Cell

David.Bordelon@westonsolutions.com

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From: Bordelon, David [David.Bordelon@WestonSolutions.com]

Sent: 4/7/2020 1:43:21 PM

To: Adams, Adam [Adams.Adam@epa.gov]

CC: Greenwich, Olive V. [o.greenwich@westonsolutions.com]

Subject: South 4 Group RCMS through 3/27/20

Attachments: ATT00001.txt; South 4 Group Fire Draft Report 03-27-20.pdf

Adam,

Thank you

Please see attached RCMS report through 3/27/20. Please let us know if you have any comments or questions.

David

David Bordelon
Weston Solutions, Inc.
13702 Coursey Blvd, Bldg 7
Baton Rouge, LA 70817
(225) 297-5403 Direct
(225) 772-7921 Cell
David.Bordelon@westonsolutions.com

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From: Ford, Mark [Ford.Mark@epa.gov]

Sent: 4/3/2020 4:52:35 PM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

CC: Adams, Adam [Adams.Adam@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Attachments: ATT00001.txt

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Mark Ford Senior Attorney/ORC FOIA Branch

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To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

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From: Ford, Mark [Ford.Mark@epa.gov]

Sent: 4/3/2020 4:35:12 PM

To: devon.downs@mlfarleypc.com; Adams, Adam [Adams.Adam@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]
CC: 'Mark L. Farley' [mark.farley@mlfarleypc.com]; 'Danica McAllister' [danica.mcallister@mlfarleypc.com]; 'Mark

Farley' [tpc-agencies@mlfarleypc.com]; Ragon, Derek [Ragon.Derek@epa.gov]; Malooly, Tom

[Malooly.Tom@epa.gov]; Kirst, Tina [kirst.tina@epa.gov]; Ortiz, Diana [Ortiz.Diana@epa.gov]; Murdock, James

[Murdock.James@epa.gov]; Quinones, Edwin [quinones.edwin@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Devon.

Thanks for the clarification and assistance with regards to PII. When do you plan on letting us know about the CBI/PBI designation? This impacts how things are categorized in the event of a FOIA. We certainly do not want to release anything that may have warranted an initial claim.

Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 11:13 AM

To: Ford, Mark <Ford.Mark@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

<Malooly.Tom@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Murdock, James

<Murdock.James@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark-

With regard to CBI, upon closer review, we did not identify any CBI or PBI in the materials we provided. The only designation we are making at this time relates to PII, which is identified in the Appendix.

Let us know if it would be helpful to have a quick call to discuss.

Stay safe, Devon

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | M

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Friday, April 3, 2020 11:06 AM

To: devon.downs@mlfarleypc.com; Adams, Adam <Adams.Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' < tpc-agencies@mlfarleypc.com >; Ragon, Derek < Ragon.Derek@epa.gov >; Malooly, Tom

<Malooly.Tom@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Murdock, James

<<u>Murdock.James@epa.gov</u>>; Quinones, Edwin <<u>guinones.edwin@epa.gov</u>>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Good morning Devon,

Thank you for the response. However, I am still operating under the statement provided earlier that says "Please note that **some** [emphasis added] of the information..."

Question: Specifically, which information or what part(s) that was provided should be treated as PBI/CBI?

Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford. Mark@epa.gov >; Adams, Adam < Adams. Adam@epa.gov >

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <<u>tpc-agencies@mlfarleypc.com</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom

< Malooly. Tom@epa.gov>; Kirst, Tina < kirst.tina@epa.gov>; Ortiz, Diana < Ortiz. Diana@epa.gov>; Murdock, James

<<u>Murdock.James@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark, Adam, and all-

TPC Group LLC ("TPC") is providing the attached response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities.

If you have any questions, please let me know.

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark < Ford. Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana <<u>Ortiz.Diana@epa.gov</u>>; Murdock, James <<u>Murdock.James@epa.gov</u>>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

Proprietary Business Information/Confidential Business Information (PBI/CBI):

EPA is able to assist the community by labeling documents provided to EPA as Proprietary/Confidential Business Information (PBI or CBI) after submission to EPA. However, we do not provide a preview or consult with the community regarding what we intend to release to the public before releasing. If a document is subject to a Freedom of Information Act (FOIA) request and a document has been identified as PBI or CBI, we first ask the FOIA Requestor if they wish to have access to that document. If the Requestor wants access, the Requestor has to agree to the Substantiation process whereby we then reach out to the Claimant who asserted the PBI/CBI claim and we provide the Claimant an 11 point criteria to answer which is then reviewed by both the EPA program and legal counsel to determine if the document has met the criteria to maintain its claim. If the document meets the criteria, then it is withheld. If the document does not meet the criteria, the document is subject to release under the FOIA unless the Claimant files an Appeal in Federal Court prohibiting its release.

Personally Identifiable Information (PII), Sensitive Security Information (SSI):

As for the other items you mentioned such as PII, SSI, we welcome your input to point out to us what specific documents and/or information you believe is PII and/or SSI. We can then review your suggestions and determine if the information meets the Federal guidelines/criteria.

Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Smalley, Bryant [smalley.bryant@epa.gov]

Sent: 4/3/2020 4:22:32 PM

To: Adams, Adam [Adams.Adam@epa.gov]; Ragon, Derek [Ragon.Derek@epa.gov]; Ortiz, Diana [Ortiz.Diana@epa.gov]

CC: Petersen, Chris [petersen.chris@epa.gov]; Ford, Mark [Ford.Mark@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Adam – If Mark Ford asked for clarification, I would recommend the FOIA team send it out to everyone that is reviewing records for the FOIA.

Bryant

From: Adams, Adam <Adams.Adam@epa.gov>

Sent: Friday, April 3, 2020 10:57 AM

To: Smalley, Bryant <smalley.bryant@epa.gov>; Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew

<loesel.matthew@epa.gov>; Fisher, Bray <fisher.kelsey@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Delgado, Eric

<Delgado.Eric@epa.gov>

Cc: Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Bryant,

About the third or fourth IAP, TPC realized that they had not made any claims to potentially exempt information in the IAP's that had all ready been provided. After this time, they began marking the fronts of each IAP with a claim that it may contain PBI/CBI. A Nov 30 letter (attached) from TPC legal also made this claim, that previous documents provided by a TPC contractor, The Response Group, may contain PBI/CBI. In response to the Nov 30 letter, Mark Ford asked for clarification on March 26 (attached).

So, to answer your question, I'd say that the claims in their letter this morning would only apply to the IAP's. But I would not say that all other incident documents do not contain PBI/CBI.

Bryant, is there anyone else that needs to know this information? I only sent this claim to on-site personnel, Eric D, and Mgmt. If so, feel free to forward as needed.

VR, Adam

From: Smalley, Bryant <smalley.bryant@epa.gov>

Sent: Friday, April 03, 2020 10:45 AM

To: Adams, Adam <Adams.Adam@epa.gov>; Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew

<loesel.matthew@epa.gov>; Fisher, Bray <fisher.kelsey@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Delgado, Eric

<Delgado.Eric@epa.gov>

Cc: Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Adam – it appears all PII/CBI claims are for information in the IAPs only?

В

From: Adams, Adam < Adams. Adam@epa.gov>

Sent: Friday, April 3, 2020 10:29 AM

To: Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew <loesel.matthew@epa.gov>; Fisher, Bray

<fisher.kelsey@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Delgado, Eric <Delgado.Eric@epa.gov>

Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: FW: TPC Group LLC (TPC) - letter dated November 30, 2019

Please see attached correspondence from TPC regarding claims for PII on IAP's.

Adam

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford. Mark@epa.gov>; Adams, Adam < Adams. Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

<Malooly.Tom@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Murdock, James

<<u>Murdock.James@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark, Adam, and all-

TPC Group LLC ("TPC") is providing the attached response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities.

If you have any questions, please let me know.

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | In

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Ford, Mark < Ford. Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana

<Ortiz.Diana@epa.gov>; Murdock, James <Murdock.James@epa.gov>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

Proprietary Business Information/Confidential Business Information (PBI/CBI):

EPA is able to assist the community by labeling documents provided to EPA as Proprietary/Confidential Business Information (PBI or CBI) after submission to EPA. However, we do not provide a preview or consult with the community regarding what we intend to release to the public before releasing. If a document is subject to a Freedom of Information Act (FOIA) request and a document has been identified as PBI or CBI, we first ask the FOIA Requestor if they wish to have access to that document. If the Requestor wants access, the Requestor has to agree to the Substantiation process whereby we then reach out to the Claimant who asserted the PBI/CBI claim and we provide the Claimant an 11 point criteria to answer which is then reviewed by both the EPA program and legal counsel to determine if the document has met the criteria to maintain its claim. If the document meets the criteria, then it is withheld. If the document does not meet the criteria, the document is subject to release under the FOIA unless the Claimant files an Appeal in Federal Court prohibiting its release.

Personally Identifiable Information (PII), Sensitive Security Information (SSI):

As for the other items you mentioned such as PII, SSI, we welcome your input to point out to us what specific documents and/or information you believe is PII and/or SSI. We can then review your suggestions and determine if the information meets the Federal guidelines/criteria.

Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Ford, Mark [Ford.Mark@epa.gov]

Sent: 4/3/2020 4:05:31 PM

To: devon.downs@mlfarleypc.com; Adams, Adam [Adams.Adam@epa.gov]

CC: 'Mark L. Farley' [mark.farley@mlfarleypc.com]; 'Danica McAllister' [danica.mcallister@mlfarleypc.com]; 'Mark

Farley' [tpc-agencies@mlfarleypc.com]; Ragon, Derek [Ragon.Derek@epa.gov]; Malooly, Tom

[Malooly.Tom@epa.gov]; Kirst, Tina [kirst.tina@epa.gov]; Ortiz, Diana [Ortiz.Diana@epa.gov]; Murdock, James

[Murdock.James@epa.gov]; Quinones, Edwin [quinones.edwin@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Good morning Devon,

Thank you for the response. However, I am still operating under the statement provided earlier that says "Please note that **some** [emphasis added] of the information..."

Question: Specifically, which information or what part(s) that was provided should be treated as PBI/CBI?

Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark <Ford.Mark@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

<Malooly.Tom@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Murdock, James

<Murdock.James@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark, Adam, and all-

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If you have any questions, please let me know.

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mifarleypc.com | W: www.mifarleypc.com



From: Ford, Mark < Ford. Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana

<<u>Ortiz.Diana@epa.gov</u>>; Murdock, James <<u>Murdock.James@epa.gov</u>>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

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Personally Identifiable Information (PII), Sensitive Security Information (SSI):

As for the other items you mentioned such as PII, SSI, we welcome your input to point out to us what specific documents and/or information you believe is PII and/or SSI. We can then review your suggestions and determine if the information meets the Federal guidelines/criteria.

Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Smalley, Bryant [smalley.bryant@epa.gov]

Sent: 4/3/2020 3:44:42 PM

To: Adams, Adam [Adams.Adam@epa.gov]; Patel, Anish [patel.anish@epa.gov]; Loesel, Matthew

[loesel.matthew@epa.gov]; Fisher, Bray [fisher.kelsey@epa.gov]; Rouse, Philip [rouse.philip@epa.gov]; Delgado,

Eric [Delgado.Eric@epa.gov]

CC: Petersen, Chris [petersen.chris@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Adam – it appears all PII/CBI claims are for information in the IAPs only?

В

From: Adams, Adam <Adams.Adam@epa.gov>

Sent: Friday, April 3, 2020 10:29 AM

To: Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew <loesel.matthew@epa.gov>; Fisher, Bray <fisher.kelsey@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Delgado, Eric <Delgado.Eric@epa.gov>

Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: FW: TPC Group LLC (TPC) - letter dated November 30, 2019

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Adam

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford Mark@epa.gov>; Adams, Adam < Adams. Adam@epa.gov>

Cc: 'Mark L. Farley' < mark.farley@mlfarleypc.com >; 'Danica McAllister' < danica.mcallister@mlfarleypc.com >; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

<Malooly.Tom@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Murdock, James

<Murdock.James@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>

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Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com

FARLEY &
PARTNERS LLP

From: Ford, Mark < Ford.Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana

<Ortiz.Diana@epa.gov>; Murdock, James < Murdock.James@epa.gov>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

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Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]

Sent: 4/7/2020 2:03:10 PM

To: Bordelon, David [David.Bordelon@WestonSolutions.com]
CC: Greenwich, Olive V. [o.greenwich@westonsolutions.com]

Subject: RE: South 4 Group RCMS through 3/27/20

Looks good. Do you happen to have the fuel rcpt?

From: Bordelon, David < David.Bordelon@WestonSolutions.com>

Sent: Tuesday, April 07, 2020 8:43 AM **To:** Adams, Adam <Adams.Adam@epa.gov>

Cc: Greenwich, Olive V. <o.greenwich@westonsolutions.com>

Subject: South 4 Group RCMS through 3/27/20

Adam,

Thank you

Please see attached RCMS report through 3/27/20. Please let us know if you have any comments or questions.

David
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David Bordelon
Weston Solutions, Inc.
13702 Coursey Blvd, Bldg 7
Baton Rouge, LA 70817
(225) 297-5403 Direct
(225) 772-7921 Cell
David.Bordelon@westonsolutions.com

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From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]

Sent: 4/6/2020 11:58:21 AM

To: devon.downs@mlfarleypc.com; Ford, Mark [Ford.Mark@epa.gov]; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

CC: Smalley, Bryant [smalley.bryant@epa.gov]

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Attachments: 2019-1201-DownsLtr.pdf

Good morning Mr Downs,

There's two discussions going on. The first was in respect to Mr Farley's Nov 30, 2019 letter. The second is regarding the external hard drive with drone photos and videos that was provided and updated several times.

Regarding the second discussion and referenced in Mr Ford's email, it was regarding a forwarded email from Mr Gehrke on Dec 12, 2019 that references the external hard drive with drone photos and videos that is marked ""CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" and states "some of the information...". We're requesting TPC identify which information on this hard drive TPC is claiming is exempt and which is not, please.

Also, please see your email to me on December 1, 2019 (pdf attached) regarding the external hard drive, with the same statement. The hard drive was provided on December 1 and updated sporadically by Mr. Gehrke.

Very Respectfully, Adam

From: Gehrke, Brian < Brian. Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs < devon.downs@mlfarleypc.com>; Adams, Adam < Adams.Adam@epa.gov>

Cc: Saldana, Margarite < Margarite.Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Brian Gehrke

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Monday, April 06, 2020 6:28 AM

To: Ford, Mark < Ford. Mark@epa.gov>; 'Mark L. Farley' < mark. farley@mlfarleypc.com> **Cc:** Adams, Adam < Adams. Adam@epa.gov>; Smalley, Bryant < smalley.bryant@epa.gov>

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Apologies, Mark, but the attachment appears to be corrupted: "content image001.jpg of type has been blocked."

Could we send you a drop box link and you could email us the attachment that way?

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | In

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Friday, April 3, 2020 11:53 AM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' mark-farley@mlfarleypc.com; Cc: Adams, Adam Adam@epa.gov; Smalley, Bryant Smalley, Bryant Mark-farley@mlfarleypc.com, Bryant <a href="mark-farley@mlfarleypc.c

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Devon and Mark,

The attachment is a second section of data that the TPC legal claims "Please note that some of the info.." on the email below from Brian Gehrke (**TPC rep – see below email from Brian**).

This external hard drive was produced by TPC contractors, The Response Group, and provided to EPA. This is separate from the current discussion this morning that we were having. We were discussing the Incident Action Plans'.

Question: On this attachment, will you clarify which "some" of the information on the external hard drive of drone footage and photographs you claim to be exempt.

Many thanks gentlemen,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

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Brian Gehrke
Brian.Gehrke@tpcgrp.com
A Marie Start & Dept Marie Armon at Marie Armon at Mile and place to Courte St. Local Start Maries.
Quality Products. Dependable Services.
Houston Operations 8600 Park Place Boulevard Houston, Texas 77017
713.740.3415 Cell: 713.419.3714 www.tpcgrp.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may contain information confidential and proprietary to TPC Group, and may be an attorney-client communication, work product, and/or otherwise be privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Adams, Adam

From: devon.downs@mlfarleypc.com

Sent: Sunday, December 01, 2019 3:26 PM

To: Adams, Adam

Cc: 'Saldana, Margarite'; 'Mark L. Farley'; 'Danica McAllister'; 'Gehrke, Brian'
Subject: TPC- Hand Delivery of Drone Footage from 11.27.2019 to 11.30.2019

Adam-

This email will confirm that at the EOC today, TPC provided to you via hand delivery a hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from November 27, 2019 to November 30, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Best, Devon

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | im

E: devon.downs@mifarleypc.com | W: www.mifarleypc.com



Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]

Sent: 4/3/2020 4:44:01 PM

To: Ford, Mark [Ford.Mark@epa.gov]

CC: Ortiz, Diana [Ortiz.Diana@epa.gov]; Kirst, Tina [kirst.tina@epa.gov]; Malooly, Tom [Malooly.Tom@epa.gov]

Subject: FW: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Attachments: ATT00001.txt

Mark,

This is a second section of data that the TPC legal claims "Please note that some of the info.." on the email below from Brian Gehrke (TPC rep).

This external hard drive was produced by TPC contractors, The Response Group, and provided to EPA. This is separate from the current discussion this morning between you and Mr Downs discussing the Incident Action Plans'.

If you could please ask Mr Downs to also clarify which "some" of the information on the external hard drive of drone footage and photographs they claim to be exempt, it would help. I believe we have two open FOIA's relative to this Site.

Thanks Adam

From: Adams, Adam

Sent: Friday, April 03, 2020 10:21 AM To: Ford, Mark < Ford. Mark@epa.gov>

Cc: Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom <Malooly.Tom@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>;

Ortiz, Diana < Ortiz. Diana@epa.gov>; Murdock, James < Murdock. James@epa.gov>

Subject: FW: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Mark,

Can you please ask Mr Downs from this morning's email, which of the information referenced below on the external hard drive would be exempt, as this statement below says "Please note that some of the info...".

Thanks Adam

From: Gehrke, Brian < Brian. Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite.Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also

exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Brian Gehrke
Brian.Gehrke@tpcgrp.com

Quality Products. Dependable Services.

Houston Operations | 8600 Park Place Boulevard | Houston, Texas 77017
713.740.3415 | Cell: 713.419.3714 | www.tpcgrp.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may contain information confidential and proprietary to TPC Group, and may be an attorney-client communication, work product, and/or otherwise be privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]

Sent: 4/3/2020 4:23:15 PM

To: Smalley, Bryant [smalley.bryant@epa.gov]; Ragon, Derek [Ragon.Derek@epa.gov]; Ortiz, Diana

[Ortiz.Diana@epa.gov]

CC: Petersen, Chris [petersen.chris@epa.gov]; Ford, Mark [Ford.Mark@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Yes Sir. They are working on it, as soon as the discussion is resolved between Mark Ford and the TPC legal.

Thanks Adam

From: Smalley, Bryant <smalley.bryant@epa.gov>

Sent: Friday, April 03, 2020 11:23 AM

To: Adams, Adam <Adams.Adam@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Ortiz, Diana

<Ortiz.Diana@epa.gov>

Cc: Petersen, Chris <petersen.chris@epa.gov>; Ford, Mark <Ford.Mark@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Adam – If Mark Ford asked for clarification, I would recommend the FOIA team send it out to everyone that is reviewing records for the FOIA.

Bryant

From: Adams, Adam < Adams. Adam@epa.gov>

Sent: Friday, April 3, 2020 10:57 AM

To: Smalley, Bryant <smalley.bryant@epa.gov>; Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew

<loesel.matthew@epa.gov>; Fisher, Bray <fisher.kelsey@epa.gov>; Rouse, Philip <rouse.philip@epa.gov>; Delgado, Eric

<Delgado.Eric@epa.gov>

Cc: Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Bryant,

About the third or fourth IAP, TPC realized that they had not made any claims to potentially exempt information in the IAP's that had all ready been provided. After this time, they began marking the fronts of each IAP with a claim that it may contain PBI/CBI. A Nov 30 letter (attached) from TPC legal also made this claim, that previous documents provided by a TPC contractor, The Response Group, may contain PBI/CBI. In response to the Nov 30 letter, Mark Ford asked for clarification on March 26 (attached).

So, to answer your question, I'd say that the claims in their letter this morning would only apply to the IAP's. But I would not say that all other incident documents do not contain PBI/CBI.

Bryant, is there anyone else that needs to know this information? I only sent this claim to on-site personnel, Eric D, and Mgmt. If so, feel free to forward as needed.

VR, Adam

From: Smalley, Bryant <smalley.bryant@epa.gov>

Sent: Friday, April 03, 2020 10:45 AM

To: Adams, Adam Adam@epa.gov">Adams.Adam@epa.gov; Patel, Anish Adams.Adam@epa.gov; Delgado, Eric Delgado, Eric Delgado,

Cc: Petersen, Chris petersen.chris@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Adam – it appears all PII/CBI claims are for information in the IAPs only?

В

From: Adams, Adam < Adams. Adam@epa.gov>

Sent: Friday, April 3, 2020 10:29 AM

To: Patel, Anish <patel.anish@epa.gov>; Loesel, Matthew <<u>loesel.matthew@epa.gov</u>>; Fisher, Bray <<u>fisher.kelsey@epa.gov</u>>; Rouse, Philip <<u>rouse.philip@epa.gov</u>>; Delgado, Eric <<u>Delgado.Eric@epa.gov</u>>

Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: FW: TPC Group LLC (TPC) - letter dated November 30, 2019

Please see attached correspondence from TPC regarding claims for PII on IAP's.

Adam

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford. Mark@epa.gov>; Adams, Adam < Adams. Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

< Malooly. Tom@epa.gov>; Kirst, Tina < kirst.tina@epa.gov>; Ortiz, Diana < Ortiz. Diana@epa.gov>; Murdock, James

<Murdock.James@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Mark, Adam, and all-

TPC Group LLC ("TPC") is providing the attached response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities.

If you have any questions, please let me know.

Devon E. Downs PARTNER

O: 832.653.8708 | C: 925.998.6100 | In

E: devon.downs@mlfarleypc.com W: www.mlfarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam < Adam@epa.gov >; Quinones, Edwin < guinones.edwin@epa.gov >; Ragon, Derek

<<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana <<u>Ortiz.Diana@epa.gov</u>>; Murdock, James <<u>Murdock.James@epa.gov</u>>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

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Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]

Sent: 4/3/2020 3:56:41 PM

To: Smalley, Bryant [smalley.bryant@epa.gov]; Patel, Anish [patel.anish@epa.gov]; Loesel, Matthew

[loesel.matthew@epa.gov]; Fisher, Bray [fisher.kelsey@epa.gov]; Rouse, Philip [rouse.philip@epa.gov]; Delgado,

Eric [Delgado.Eric@epa.gov]

CC: Petersen, Chris [petersen.chris@epa.gov]

Subject: RE: TPC Group LLC (TPC) - letter dated November 30, 2019

Attachments: 2019-1130-TPC- CBI Designation Letter Regarding PNO Incident.pdf; 2020-0326-MarkFordLtrToTPC.pdf

Bryant,

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Sent: Friday, April 03, 2020 10:45 AM

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Cc: Smalley, Bryant <smalley.bryant@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>

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Adam

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Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark < Ford. Mark@epa.gov>; Adams, Adam < Adams. Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' < tpc-agencies@mifarleypc.com >; Ragon, Derek < Ragon, Derek @epa.gov >; Malooly, Tom

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<<u>Murdock.James@epa.gov</u>>; Quinones, Edwin <<u>guinones.edwin@epa.gov</u>>

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TPC Group LLC ("TPC") is providing the attached response to the U.S. Environmental Protection Agency's ("EPA") correspondence dated March 26, 2020, which requested that TPC identify Personally Identifiable Information ("PII") and Confidential Business Information ("CBI") or Proprietary Business Information ("PBI") in materials that TPC provided to EPA in connection with incident response activities.

If you have any questions, please let me know.

Devon E. Downs | PARTNER

0: 832.653.8708 | C: 925.998.6100 | in

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark < Ford. Mark@epa.gov > Sent: Thursday, March 26, 2020 2:40 PM

To: mark.farley@mlfarleypc.com

Cc: Adams, Adam <<u>Adams.Adam@epa.gov</u>>; Quinones, Edwin <<u>quinones.edwin@epa.gov</u>>; Ragon, Derek <<u>Ragon.Derek@epa.gov</u>>; Malooly, Tom <<u>Malooly.Tom@epa.gov</u>>; Kirst, Tina <<u>kirst.tina@epa.gov</u>>; Ortiz, Diana <<u>Ortiz.Diana@epa.gov</u>>; Murdock, James <<u>Murdock.James@epa.gov</u>>

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

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Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch



November 30, 2019

VIA ELECTRONIC MAIL

Mr. Adam Adams, FOSC US EPA, Region 6 1201 Elm Street, Suite 500, SEDEC Dallas, Texas 75270

Re: TPC Group - PNO Incident

Dear Mr. Adams:

We represent the TPC Group LLC (TPC) in connection with the incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019. As you know, TPC, the U.S. Environmental Protection Agency (EPA), and other agencies are participating in a unified incident command in response to the incident.

TPC retained The Response Group (TRG) to support the incident response and coordinate the communication of information to the EPA and other responding agencies. Please note that some of the information previously provided the TRG contains one or more of the following:

- Trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208.
- Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b).
- Confidential personal information of TPC employees (e.g., names and mobile telephone number).

This information may not have been designated as exempted from disclosure at the time it was communicated because of exigent circumstances inherent to a response of this type. Should the EPA receive a request for information under the Freedom of Information Act, TPC respectfully requests the opportunity to review the information prior to production to determine whether it is exempt for disclosure.

If you have any questions, please let me know.

Very truly yours,

Mark L. Farley

cc. Mr. Edwin Quinones (EPA)

Adams, Adam

From: Ford, Mark

Sent: Thursday, March 26, 2020 2:40 PM **To:** mark.farley@mlfarleypc.com

Cc: Adams, Adam; Quinones, Edwin; Ragon, Derek; Malooly, Tom; Kirst, Tina; Ortiz, Diana; Murdock,

James

Subject: TPC Group LLC (TPC) - letter dated November 30, 2019

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CC: Smalley, Bryant [smalley.bryant@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]

Subject: FW: TPC Group LLC (TPC) - letter dated November 30, 2019

Attachments: 2020-04-03 TPC PII Designation Letter to EPA.pdf; 2020-04-03 TPC PII Identification (Appendix A).pdf

Please see attached correspondence from TPC regarding claims for PII on IAP's.

Adam

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Friday, April 03, 2020 10:03 AM

To: Ford, Mark <Ford.Mark@epa.gov>; Adams, Adam <Adams.Adam@epa.gov>

Cc: 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Mark

Farley' <tpc-agencies@mlfarleypc.com>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom

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Devon E. Downs PARTNER

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Dear Mark L. Farley,

My name is Mark Ford and I am an Attorney with the United States Environmental Protection Agency (EPA) Region 6, Dallas, TX Office of Regional Counsel. I assist with the processing of the Region 6 FOIAs. I have reviewed your November 30, 2019 letter regarding the TPC Group LLC (TPC) incident that occurred at the TPC Port Neches facility (PNO) on November 27, 2019.

In your letter you state: "Please note that some of the information previously provided the TRG contains one or more of the following."

EPA needs for you to provide us with specific information as to documents by name/title, Doc id (if available), date, author, page count so we can with certainty label the document(s)/information as PBI/CBI.

Proprietary Business Information/Confidential Business Information (PBI/CBI):

EPA is able to assist the community by labeling documents provided to EPA as Proprietary/Confidential Business Information (PBI or CBI) after submission to EPA. However, we do not provide a preview or consult with the community regarding what we intend to release to the public before releasing. If a document is subject to a Freedom of Information Act (FOIA) request and a document has been identified as PBI or CBI, we first ask the FOIA Requestor if they wish to have access to that document. If the Requestor wants access, the Requestor has to agree to the Substantiation process whereby we then reach out to the Claimant who asserted the PBI/CBI claim and we provide the Claimant an 11 point criteria to answer which is then reviewed by both the EPA program and legal counsel to determine if the document has met the criteria to maintain its claim. If the document meets the criteria, then it is withheld. If the document does not meet the criteria, the document is subject to release under the FOIA unless the Claimant files an Appeal in Federal Court prohibiting its release.

Personally Identifiable Information (PII), Sensitive Security Information (SSI):

As for the other items you mentioned such as PII, SSI, we welcome your input to point out to us what specific documents and/or information you believe is PII and/or SSI. We can then review your suggestions and determine if the information meets the Federal guidelines/criteria.

Please Reply to ALL so as to keep everyone in the loop. Many thanks,

Mark Ford Senior Attorney/ORC FOIA Branch

Message

From: Adams, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8ED5877842964D6794FAB4410F65DB46-ADAMS, ADAM]

Sent: 4/3/2020 3:21:00 PM

To: Ford, Mark [Ford.Mark@epa.gov]

CC: Ragon, Derek [Ragon.Derek@epa.gov]; Malooly, Tom [Malooly.Tom@epa.gov]; Kirst, Tina [kirst.tina@epa.gov];

Ortiz, Diana [Ortiz.Diana@epa.gov]; Murdock, James [Murdock.James@epa.gov]

Subject: FW: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Attachments: ATT00001.txt

Mark.

Can you please ask Mr Downs from this morning's email, which of the information referenced below on the external hard drive would be exempt, as this statement below says "Please note that some of the info...".

Thanks Adam

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs <devon.downs@mlfarleypc.com>; Adams, Adam <Adams.Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com>; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

3rian	Geh	rke		
Brian.	Gehrk	e@tp	cgrp.cc	m
the manufacture in		*****		

Quality Products. Dependable Services.

Houston Operations | 8600 Park Place Boulevard | Houston, Texas 77017

713.740.3415 | Cell: 713.419.3714 | www.tpcgrp.com

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Field Report for Airborne Data Collected In Support of US EPA Region VI South 4 Group Fire 27 November 2019

Background

On 27 November 2019 an explosion and subsequent fire was reported at the TPC Group facility located near Port Neches, TX. Local information indicated that at approximately 0100 (central) a large explosion rocked the area. The explosion subsequently caused a massive fire at the facility in a short amount of time. Local official ordered a 4-mile evacuation order which as of 0800 on 27 November 2019 was still in effect. Reported onsite products include various olefins, butadiene, and isobutylene. The geographical coordinates of the facility are 29.9222N, 95.0547W (figure 1).

The US EPA Region VI requested that the ASPECT system be deployed to provide monitoring support on 27 November 2019 and ASPECT completed the first of a 11 passes at 0750 local. Two subsequent missions were flown throughout the day and this report summarizes findings observed during the various missions.



Figure 1: TPC Facility, Port Neches, TX

ASPECT response to this Mission/Incident was in support of:

US EPA Region 6. OSC: Adam Adams

ASPECT System

The US EPA ASPECT system collects airborne infrared (IR) images and chemical screening data from a safe distance over the site (about 3,000 ft AGL). The system consists of an airborne high-speed Fourier transform infrared spectrometer (FTIR) coupled with a wide-area IR line scanner (IRLS). The ASPECT IR systems have the ability to detect compounds in both the 8 to 12-micron (800 to 1200 cm-1) and 3 to 5 micron (2000 to 3200 cm-1) regions. The 8 to 12-micron region is typically known as the atmospheric window region since the band is reasonably void of water and carbon dioxide influence. Spectrally, this region is used to detect carbon - non-carbon bonded compounds. The 3 to 5-micron region is also free of water and carbon dioxide but typically does not have sufficient energy for use. This band does show use in high-energy environments such as fires. The carbon - hydrogen stretch is very common in this region.

A digital Nikon DX2 camera (12.4 mega pixel CMOS 3:5 aspect ratio, 28 mm wide-angle lens) collects visible aerial imagery as part of the core data product package. The camera timing system is connected to the primary IR sensors and provides concurrent image collection when other sensors are triggered. All imagery is geo-rectified using both aircraft attitude correction (pitch, yaw, and roll) and GPS positional information. Imagery can be processed while in flight or approximately 600 frames per hour can be processed once the data are downloaded from the aircraft.

An Imperx mapping camera (29 mega pixels; mapping focal plane array) provides a similar aspect ratio and aerial coverage. Like the Nikon DX2, it is connected to the primary IR sensors and provides concurrent image collection when other sensors are triggered. These images are often digitally processed in lower resolution, so they can be transmitted via satellite communication. The high-resolution images (>20 MB each) are pulled from the ASPECT after the sortie and are available at a later time.

All high resolution digital aerial photographic images collected by the ASPECT system are ortho-rectified and geospatially validated by the reach back team. In general, this consists of conducting geo-registration using a Digital Elevation Model (DEM) which promotes superior pixel computation and lessens topographic distortion. The image is then check by a team member (using a Google Earth base map) for proper location and rotation

Data is processed using automated algorithms onboard the aircraft with preliminary results being sent using a satellite system to the ASPECT reach back team for QA/QC analysis. Upon landing preliminary data results are examined and validated by the reach back team.

Flight 1 -- 27 November 2019

Weather Conditions and Crew Report

Weather for the mission is given in table 1.

Table 1. TPC Group Mission Weather

Parameter	Surface (0700)	Surface (0800)	Surface (0900)	Surface (1000)
Wind direction	000 degrees	010 degrees	020 degrees	020 degrees
Wind speed	5.5 m/s (11	6.2 m/s (14	5.5 m/s (11	7 m/s (6
_	mph)	mph)	mph)	mph)
Temperature	18°C	18°C	17°C	18°C
Humidity	37%	35%	28%	28%
Dew Point	2.2°C	2.2°C	-1°C	-1°C
Pressure	1013 mb	1020	1020	1020
Ceiling	Clear	Clear	Clear	Clear

The crew reported that winds at altitude (2800 ft) were at about 17 kts (9 m/s) from the northeast. Smoke emitted from the fire was reported to be black in color and rose up to about 4000 ft with subsequent movement to the south.

Flight Status

The order to launch the aircraft was given at 0530 local on 27 November 2019 and the aircraft was airborne at 0635. The initial data collection run over the site was at 0750 (central) The aircraft made a total of 12 data collection passes; flight information is summarized in Appendix A and Figure 2.

Data Results

General Data Quality Objective

The following general data quality objectives are employed in conducting emergency response data collection with ASPECT:

- 1. To support overall situational analysis of the incident including aerial photography and IR imagery
- 2. To screen the incident for the presence of selected chemicals
- 3. To estimate the location and concentration of plumes being generated by the incident.

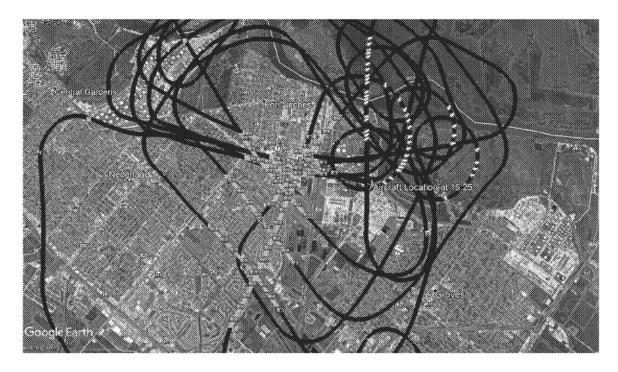


Figure 2: Data collection passes, TPC Group Fire, Port Neches, TX. The blue lines represent the ASPECT flight path, green lines represent when the FTIR was actively collecting data, the yellow icons with star is the centroid of the line scanner image, and the camera icons represent when a photo was taken.

Line Scanner Data Results

A total of 1 test and 11 data collection passes were made in the proximity of the fire and an infrared line scanner image was generated for each pass. Figure 3 shows a typical 3-band infrared image obtained from data collected for Run 2. This image was generated by flying approximately 100 meters downwind of the facility. The white area within the image is the hot signature of the fire. A thermal plume can be seen being emitted from the active fire location within the facility perimeter with no evidence of a chemical plume being generated by the fire.

FTIR Data Results

FTIR Spectral data at a resolution of 16 wavenumbers was collected for each pass. ASPECT uses an automated detection algorithm to permit compounds to be analyzed while the aircraft is in flight. 72 compounds are included in this algorithm and the list and associated detection limits are given in Table 2. In addition, collected data are also manually analyzed by comparing any detected spectral signatures to a collection of published library spectra.



Figure 3: -3 band IR image, Run 5, TPC Group Fire

As illustrated in figure 2, ASPECT conducted several passes over and downwind of the site. Analysis of both automated and manual analysis of the data showed no significant detections. A complication which may have influenced this was that the FTIR telescope was slightly ajar in the sensor mount. After flight was completed (during a fuel stop) the telescope was checked, and the mounts tightened.

TABLE 2 - Chemicals Included in the ASPECT Auto-Processing Library

Acetic Acid	Cumene	Isoprene	Propylene
Acetone	Diborane	Isopropanol	Propylene Oxide
Acrolein	1,1-Dichloroethene	Isopropyl Acetate	Silicon Tetrafluoride
Acrylonitrile	Dichloromethane	MAPP	Sulfur Dioxide
Acrylic Acid	Dichlorodifluoromethane	Methyl Acetate	Sulfur Hexafluoride
Allyl Alcohol	Difluoroethane	Methyl Ethyl Ketone	Sulfur Mustard
Ammonia	Difluoromethane	Methanol	Nitrogen Mustard
Arsine	Ethanol	Methylbromide	Phosgene
Bis-Chloroethyl Ether	Ethyl Acetate	Methylene Chloride	Phosphine
Boron Tribromide	Ethyl Formate	Methyl Methacrylate	Tetrachloroethylene
Boron Triflouride	Ethylene	MTEB	1,1,1-Trichloroethane
1,3-Butadiene	Formic Acid	Naphthalene	Trichloroethylene
1-Butene	Freon 134a	n-Butyl Acetate	Trichloromethane
2-Butene	GA (Tabun)	n-Butyl Alcohol	Triethylamine
Carbon Tetrachloride	GB (Sarin)	Nitric Acid	Triethylphosphate
Carbonyl Chloride	Germane	Nitrogen Trifluoride	Trimethylamine
Carbon Tetraflouride	Hexafluoroacetone	Phosphorus Oxychloride	Trimethyl Phosphite
Chlorodifluoromethane	Isobutylene	Propyl Acetate	Vinyl Acetate

Table 3. Chemical Results Summary

			Suits Suilling	·- J
Run	Date	Time	Chemical	Max
		(UTC)		Concentration
				ppm
1	27 Nov 2019	1347	Test	Test
2		1350	ND	None
3		1407	ND	None
4		1414	ND	None
5		1426	ND	None
6		1429	ND	None
7		1441	ND	None
8		1449	ND	None
9		1500	ND	None
10		1511	ND	None
11		1515	ND	None
12		1524	ND	None
Note: $ND = No Detections$				

Aerial Photography Results

A full set of high resolution aerial digital photography were collected as part of the flight. Figure 4 shows a representative image collected as part of each pass. The image illustrates that several fires are present in the field of view and the plume generated by the fire was moving to the south. Figure 5 shows a representative oblique collected from the copilot station. As with the aerial image, the frame shows multiple fires contributing to the generation of the smoke plume.

Conclusions - Flight 1

On 27 November 2019 ASPECT was dispatched to collect aerial remote sensing data over the TCP Group facility located near Port Neches, TX. An explosion and fire involving a production unit and subsequent tank farms resulted in a black plume moving toward the south. Reports from the air crew indicated that significant lofting was occurring with smoke reaching 4000 feet above ground. Collected spectral data from both the IRLS and FTIR did not show any chemical detections.



Figure 4: Aerial Image of the TCP Group Fire



Flight 2 -- 27 November 2019

Weather Conditions and Crew Report

Weather for the mission is given in table 4.

Table 4. TPC Group Mission Weather – Flight 2

Parameter	Surface (1200)	Surface (1300)	Surface (1400)
Wind direction	020 degrees	045 degrees	020 degrees
Wind speed	5 m/s (11 mph)	6.2 m/s (14	6.2 m/s (14
		mph)	mph)
Temperature	19.5°C	22°C	22°C
Humidity	21%	24%	25%
Dew Point	-1°C	-1°C	-1°C
Pressure	1020 mb	1020	1020
Ceiling	Clear	Clear	Clear

The crew reported that winds at altitude (2800 ft) were at about 23 kts (10 m/s) from the northeast. Smoke emitted from the fire was reported to be gray and less dense than on flight 1.

Flight Status

A second flight was conducted with the aircraft reporting wheels up at approximately 1145 local with the first data collected at 1209. The aircraft made two passes with flight information is summarized in Appendix A and Figure 6.

Data Results

Line Scanner Data Results

A total of 2 test and 2 data passes were made in the proximity of the fire and an infrared line scanner image was generated for each pass. In a similar fashion to data collected on flight 1, line scanner data continues to show a very hot environment due to the fires in the facility.



Figure 6: Data collection passes, TPC Group Fire, Port Neches, TX. The blue lines represent the ASPECT flight path, green lines represent when the FTIR was actively collecting data, the yellow icons with star is the centroid of the line scanner image, and the camera icons represent when a photo was taken.



Figure 7: – 3 band IR image TPC Group Fire, Flight 2, Run 3

FTIR Data Results

No chemical detections were made on flight 2. A summary of the data collection is given in table 5.

Aerial Photography Results

A full set of high resolution aerial digital photography were collected as part of the flight. Figure 8 shows a representative image collected as part of each pass. The image illustrates that several fires continue to burn in the area, but the intensity of the smoke appears to be somewhat diminished. Figure 9 shows confirms that several fires are present with some indication that the number of individual fires has expanded.

Table 5. Chemical Results Summary

Run	Date	Time	Chemical	Max
		(UTC)		Concentration
				ppm
1	27 Nov 2019	1741	Test	Test
2		1751	ND	None
3		1804	ND	None
4		1825	ND	None
Note: $ND = No Detections$				



Figure 8: Aerial Image of the TCP Group Fire, Flight 2

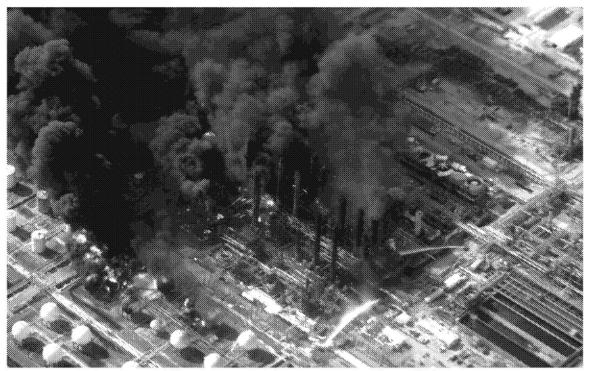


Figure 9: Oblique Image of the TCP Group Fire, Flight 2

Conclusions for Flight 2

Data collected on flight two of the TCP Group fire continued to show a very hot fire with significant black emissions being liberated from the site. Analysis of both IR imagery and Spectral data did not show the presence of chemical leaving the facility.

Flight 3 -- 27 November 2019

Weather Conditions and Crew Report

Weather for the mission is given in table 6.

Table 6. TPC Group Mission Weather - Flight 3

Parameter	Surface (1600)	Surface (1700)	
Wind direction	000 degrees	045 degrees	
Wind speed	5.8 m/s (13 mph)	5 m/s (11 mph)	
Temperature	22.5°C	22°C	
Humidity	30%	32%	
Dew Point	2.7°C	2.7°C	
Pressure	1020 mb	1020	
Ceiling	Overcast	Overcast	

The crew reported that winds at altitude (2800 ft) were at about 25 kts (10 m/s) from the northeast. Smoke emitted from the fire was reported to be gray, less dense than flight 2 and was staying closer to the ground.

Flight Status

The third flight conducted on 27 November 2019 initiated at 1417 with the first of three data passes conducted over the facility. Flight information is summarized in Appendix A and Figure 10.



Figure 10: Data collection passes, TPC Group Fire, Port Neches, TX. The blue lines represent the ASPECT flight path, green lines represent when the FTIR was actively collecting data, the yellow icons with star is the centroid of the line scanner image, and the camera icons represent when a photo was taken.

Data Results

Line Scanner Data Results

A total of 4 test and 3 data passes were made in the proximity of the fire and an infrared line scanner image was generated for each pass. Analysis of IR imagery generally shows consistency from early flights namely very intense heat within the field of view (figure 11).



Figure 11: -3 band IR image, TPC Group fire, Flight 3, Run 6

FTIR Data Results

Prior to the launch of flight 3, an adjustment was made to the FTIR to maximize the amount of radiant energy admitted to the system. Even after this adjustment, no significant chemical detections were made on any of the data collection passes. A summary the data collection is given in table 7.

Table 7. Chemical Results Summary

Run	Date	Time	Chemical	Max
		(UTC)		Concentration
				ppm
1	27 Nov 2019	2226	Test	Test
2		2227	Test	Test
3		2231	Test	Test
4		2232	Test	Test
5		2239	ND	None
6		2249	ND	None
7		2306	ND	None
Note: $ND = No Detections$				

Aerial Photography Results

A partial set of high resolution aerial digital photography were collected on the last flight of the day with a representative image given in figure 12. It should be noted that the image is slightly blurring due to the long exposure time needed to collect the image under low light conditions. The image shows that fires continue to burn with no apparent spreading in structures or tanks. Due to the time of day and lack of enough light, oblique images were not collected on this flight.



Figure 12: Aerial Image of the TCP Group Fire, Flight 3

Conclusions for Flight 3

Data collected on the final flight of the day showed no significant change from flight 2. IR imagery continued to show the presence of a large intense region with spectral analysis showing no chemical detections.

Appendix A

Abbreviations:

DEM – Digital elevation model

Alt – Altitude (in feet)

MSL – Mean sea level altitude (in feet)

Digital – Digital photography file from the Nikon D2X camera MSIC – Digital photography file from the Imperx mapping camera

FTIR - Spectral IR data collected with a Fourier Transform

Infrared Spectrometer

IRLS – Infrared Line Scanner

Jpg - JPEG image format

UTC - Universal Time Coordinated

img - Spectral data format based on Grams format

Mission: 2019-11-27 Port Neches

Date: 11/27/2019

Time UTC: 13:18

Aircraft Number: N9738B

Pilot: Todd Seale

Copilot: James Glaviano Operator: James Crisp Aft Operator: Gerry Broyles Ground Controller: Ahmed Hafez

DEM: Using elevation from DEM Database

Run: 1 Time: 13:47:33 UTC

Alt: 2944 ft MSL Elev: 135 ft Elevation from DEM Database

Vel: 119 knots Heading: 134

Digitals: None

MSIC: 3

20191127134739480.jpg 20191127134745828.jpg 20191127134752193.jpg

FTIR: 1

20191127_134736_A.igm

IRLS: 1

2019_11_27_13_47_38_R_01 TA=15.0;TB=35.0;Gain=3

Gamma Runs: None

Run: 2 Time: 13:50:49 UTC Alt: 2858 ft MSL Elev: 100 ft Elevation from DEM Database Vel: 119 knots Heading: 129 Digitals: None MSIC: 3 20191127135055580.jpg 20191127135101929.jpg 20191127135108293.jpg FTIR: 1 20191127 135052 A.igm IRLS: 1 2019_11_27_13_50_54_R_02 TA=8.1;TB=23.4;Gain=3 Gamma Runs: None Run: 3 Time: 14:07:03 UTC Alt: 2819 ft MSL Elev: 7 ft Elevation from DEM Database Vel: 107 knots Heading: 131 Digitals: None MSIC: 8 20191127140709741.jpg 20191127140716090.jpg 20191127140722439.jpg 20191127140728804.jpg 20191127140735153.jpg 20191127140742422.jpg 20191127140748771.jpg 20191127140755121.jpg FTIR: 2 20191127 140707 A.igm 20191127 140746 A.igm IRLS: 1 2019_11_27_14_07_08_R_03 TA=3.1;TB=21.5;Gain=3 Gamma Runs: None Run: 4 Time: 14:14:47 UTC Alt: 2825 ft MSL Elev: 4 ft Elevation from DEM Database Vel: 112 knots Heading: 132

ED_004689A_00000715-00017

Digitals: None MSIC: 8

```
20191127141454577.jpg
    20191127141500926.jpg
    20191127141507275.jpg
    20191127141513640.jpg
    20191127141519989.jpg
    20191127141526354.jpg
    20191127141532703.jpg
    20191127141539052.jpg
FTIR: 2
    20191127 141452 A.igm
    20191127 141531 A.igm
IRLS: 1
    2019 11 27 14 14 53 R 04 TA=6.8; TB=26.9; Gain=3
Gamma Runs: None
Run: 5 Time: 14:23:36 UTC
    Alt: 2824 ft MSL Elev: 2 ft Elevation from DEM Database
    Vel: 109 knots Heading: 130
Digitals: None
MSIC: 8
    20191127142342954.jpg
    20191127142349319.jpg
    20191127142355668.jpg
    20191127142402033.jpg
    20191127142408382.jpg
    20191127142414731.jpg
    20191127142421096.jpg
    20191127142427445.jpg
FTIR: 2
    20191127 142339 A.igm
    20191127 142419 A.igm
IRLS: 1
    2019 11 27 14 23 41 R 05 TA=6.0; TB=26.0; Gain=3
Gamma Runs: None
Run: 6 Time: 14:29:09 UTC
    Alt: 2908 ft MSL Elev: 2 ft Elevation from DEM Database
    Vel: 96 knots Heading: 23
Digitals: None
MSIC: 16
    20191127142915244.jpg
    20191127142922513.jpg
```

```
20191127142928863.jpg
    20191127142935227.jpg
    20191127142941576.jpg
    20191127142947925.jpg
    20191127142954290.jpg
    20191127143000639.jpg
    20191127143007004.jpg
    20191127143013353.jpg
    20191127143019702.jpg
    20191127143026067.jpg
    20191127143032416.jpg
    20191127143038780.jpg
    20191127143046034.jpg
    20191127143050574.jpg
FTIR: 3
    20191127 142912 A.igm
    20191127 142951 A.igm
    20191127 143029 A.igm
IRLS: 1
    2019 11 27 14 29 14 R 06 TA=6.7;TB=26.6;Gain=3
Gamma Runs: None
Run: 7 Time: 14:41:02 UTC
    Alt: 2787 ft MSL Elev: 7 ft Elevation from DEM Database
    Vel: 97 knots Heading: 87
Digitals: None
MSIC: 5
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    20191127144114301.jpg
    20191127144120650.jpg
    20191127144127000.jpg
    20191127144133364.jpg
FTIR: 1
    20191127_144104_A.igm
IRLS: 1
    2019 11 27 14 41 07 R 07 TA=6.7;TB=26.7;Gain=3
Gamma Runs: None
Run: 8 Time: 14:49:08 UTC
    Alt: 2808 ft MSL Elev: 9 ft Elevation from DEM Database
    Vel: 95 knots Heading: 96
```

```
Digitals: None
MSIC: 6
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    20191127144920927.jpg
    20191127144927276.jpg
    20191127144934546.jpg
    20191127144940895.jpg
    20191127144947259.jpg
FTIR: 1
    20191127 144912 A.igm
IRLS: 1
    2019_11_27_14_49_13_R_08 TA=7.0;TB=27.0;Gain=3
Gamma Runs: None
Run: 9 Time: 15:00:18 UTC
    Alt: 2860 ft MSL Elev: 8 ft Elevation from DEM Database
    Vel: 93 knots Heading: 95
Digitals: None
MSIC: 6
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    20191127150030954.jpg
    20191127150037303.jpg
    20191127150043668.jpg
    20191127150050017.jpg
    20191127150054556.jpg
FTIR: 1
    20191127_150021_A.igm
IRLS: 1
    2019 11 27 15 00 23 R 09 TA=7.9; TB=27.9; Gain=3
Gamma Runs: None
Run: 10 Time: 15:11:59 UTC
    Alt: 2838 ft MSL Elev: 8 ft Elevation from DEM Database
    Vel: 104 knots Heading: 82
Digitals: None
MSIC: 6
    20191127151205490.jpg
    20191127151211855.jpg
    20191127151218204.jpg
    20191127151224553.jpg
```

```
20191127151230918.jpg
    20191127151237267.jpg
FTIR: 1
    20191127 151201 A.igm
IRLS: 1
    2019 11 27 15 12 04 R 10 TA=7.7; TB=27.7; Gain=3
Gamma Runs: None
Run: 11 Time: 15:15:55 UTC
    Alt: 2866 ft MSL Elev: 6 ft Elevation from DEM Database
    Vel: 116 knots Heading: 215
Digitals: None
MSIC: 8
    20191127151600643.jpg
    20191127151607897.jpg
    20191127151614262.jpg
    20191127151620611.jpg
    20191127151626960.jpg
    20191127151633325.jpg
    20191127151639674.jpg
    20191127151646039.jpg
FTIR: 2
    20191127 151559 A.igm
    20191127_151638_A.igm
IRLS: 1
    2019 11 27 15 16 00 R 11 TA=8.9; TB=28.9; Gain=3
Gamma Runs: None
Run: 12 Time: 15:24:38 UTC
    Alt: 2837 ft MSL Elev: 8 ft Elevation from DEM Database
    Vel: 102 knots Heading: 95
Digitals: None
MSIC: 4
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    20191127152450854.jpg
    20191127152457203.jpg
    20191127152504472.jpg
FTIR: 1
    20191127_152440_A.igm
IRLS: 1
    2019 11 27 15 24 44 R 12 TA=8.7;TB=28.7;Gain=3
Gamma Runs: None
```

Mission Complete: 15:37 (UTC)

Flight 2

Mission: 2019-11-27 Port Neches 2

Date: 11/27/2019 Time UTC: 17:33

Aircraft Number: N9738B

Pilot: Todd Seale

Copilot: James Glaviano
Operator: James Crisp
Aft Operator: Gerry Broyles
Ground Controller: Ahmed Hafez

DEM: Using elevation from DEM Database

Run: 1 Time: 17:41:45 UTC

Alt: 2792 ft MSL Elev: 21 ft Elevation from DEM Database

Vel: 110 knots Heading: 182

Digitals: None

MSIC: 3

20191127174151801.jpg 20191127174158153.jpg 20191127174205425.jpg

FTIR: 1

20191127_174153_A.igm

IRLS: 1

2019 11 27 17 41 50 R 01 TA=16.0; TB=36.0; Gain=3

Gamma Runs: None

Run: 2 Time: 17:51:34 UTC

Alt: 2823 ft MSL Elev: 8 ft Elevation from DEM Database

Vel: 112 knots Heading: 99

Digitals: None

MSIC: 5

20191127175141214.jpg 20191127175147566.jpg 20191127175153932.jpg

```
20191127175200285.jpg
    20191127175204826.jpg
FTIR: 1
    20191127 175139 A.igm
IRLS: 1
    2019 11 27 17 51 39 R 02 TA=11.2;TB=31.2;Gain=3
Gamma Runs: None
Run: 3 Time: 18:04:00 UTC
    Alt: 2768 ft MSL Elev: 8 ft Elevation from DEM Database
    Vel: 98 knots Heading: 100
Digitals: None
MSIC: 5
    20191127180405900.jpg
    20191127180412251.jpg
    20191127180418602.jpg
    20191127180424969.jpg
    20191127180431319.jpg
FTIR: 1
    20191127_180404_A.igm
IRLS: 1
    2019 11 27 18 04 04 R 03 TA=14.5;TB=34.5;Gain=3
Gamma Runs: None
Run: 4 Time: 18:25:49 UTC
    Alt: 2785 ft MSL Elev: 12 ft Elevation from DEM Database
    Vel: 89 knots Heading: 92
Digitals: None
MSIC: 3
    20191127182555390.jpg
    20191127182602646.jpg
    20191127182609012.jpg
FTIR: 1
    20191127 182553 A.igm
IRLS: 1
    2019 11 27 18 25 53 R 04 TA=14.9;TB=34.9;Gain=3
Gamma Runs: None
```

Mission: 2019-11-27 Port Neches 3

Date: 11/27/2019 Time UTC: 22:17

Aircraft Number: N9738B

Pilot: Todd Seale

Copilot: James Glaviano
Operator: James Crisp
Aft Operator: Gerry Broyles
Ground Controller: Ahmed Hafez

DEM: Using elevation from DEM Database

Run: 1 Time: 22:26:11 UTC

Alt: 2774 ft MSL Elev: 11 ft Elevation from DEM Database

Vel: 115 knots Heading: 240

Digitals: None

MSIC: 3

20191127222617147.jpg 20191127222624416.jpg 20191127222630765.jpg

FTIR: 1

20191127_222614_A.igm

IRLS: 1

2019 11 27 22 26 15 R 01 TA=17.0; TB=37.0; Gain=3

Gamma Runs: None

Run: 2 Time: 22:27:46 UTC

Alt: 2805 ft MSL Elev: 11 ft Elevation from DEM Database

Vel: 107 knots Heading: 225

Digitals: None

MSIC: 3

20191127222753383.jpg 20191127222759747.jpg 20191127222806096.jpg

FTIR: 1

20191127_222750_A.igm

IRLS: 1

2019_11_27_22_27_51_R_02 TA=14.9;TB=33.8;Gain=3

Gamma Runs: None

Run: 3 Time: 22:31:04 UTC Alt: 2803 ft MSL Elev: 0 ft Elevation from DEM Database Vel: 142 knots Heading: 221 Digitals: None MSIC: 3 20191127223110394.jpg 20191127223116758.jpg 20191127223123108.jpg FTIR: 1 20191127 223108 A.igm IRLS: 1 2019_11_27_22_31_08_R_03_TA=10.1;TB=30.0;Gain=3 Gamma Runs: None Run: 4 Time: 22:32:49 UTC Alt: 2818 ft MSL Elev: 7 ft Elevation from DEM Database Vel: 109 knots Heading: 123 Digitals: None MSIC: 3 20191127223255709.jpg 20191127223302073.jpg 20191127223308423.jpg FTIR: 1 20191127_223254_A.igm IRLS: 1 2019 11 27 22 32 53 R 04 TA=8.9; TB=28.3; Gain=3 Gamma Runs: None Run: 5 Time: 22:39:56 UTC Alt: 2774 ft MSL Elev: 8 ft Elevation from DEM Database

Vel: 107 knots Heading: 101

Digitals: None

MSIC: 4

20191127224002428.jpg 20191127224008777.jpg 20191127224015142.jpg

```
20191127224022396.jpg
FTIR: 1
    20191127_223959_A.igm
IRLS: 1
    2019 11 27 22 40 00 R 05 TA=9.7;TB=29.7;Gain=3
Gamma Runs: None
Run: 6 Time: 22:49:13 UTC
    Alt: 2816 ft MSL Elev: 8 ft Elevation from DEM Database
    Vel: 106 knots Heading: 102
Digitals: None
MSIC: 5
    20191127224919878.jpg
    20191127224926237.jpg
    20191127224932586.jpg
    20191127224939855.jpg
    20191127224945300.jpg
FTIR: 1
    20191127 224917 A.igm
IRLS: 1
    2019 11 27 22 49 18 R 06 TA=9.4;TB=29.4;Gain=3
Gamma Runs: None
Run: 7 Time: 23:06:35 UTC
    Alt: 2800 ft MSL Elev: 8 ft Elevation from DEM Database
    Vel: 108 knots Heading: 102
Digitals: None
MSIC: 4
    20191127230642143.jpg
    20191127230648507.jpg
    20191127230654856.jpg
    20191127230701206.jpg
FTIR: 1
    20191127 230638 A.igm
IRLS: 1
    2019 11 27 23 06 39 R 07 TA=9.4;TB=29.4;Gain=3
Gamma Runs: None
```

Message

From: Adams, Adam [Adams.Adam@epa.gov]

Sent: 4/6/2020 11:58:21 AM

To: devon.downs@mlfarleypc.com; Ford, Mark [Ford.Mark@epa.gov]; 'Mark L. Farley' [mark.farley@mlfarleypc.com]

CC: Smalley, Bryant [smalley.bryant@epa.gov]

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Attachments: 2019-1201-DownsLtr.pdf

Good morning Mr Downs,

There's two discussions going on. The first was in respect to Mr Farley's Nov 30, 2019 letter. The second is regarding the external hard drive with drone photos and videos that was provided and updated several times.

Regarding the second discussion and referenced in Mr Ford's email, it was regarding a forwarded email from Mr Gehrke on Dec 12, 2019 that references the external hard drive with drone photos and videos that is marked ""CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" and states "some of the information...". We're requesting TPC identify which information on this hard drive TPC is claiming is exempt and which is not, please.

Also, please see your email to me on December 1, 2019 (pdf attached) regarding the external hard drive, with the same statement. The hard drive was provided on December 1 and updated sporadically by Mr. Gehrke.

Very Respectfully, Adam

From: Gehrke, Brian < Brian. Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Brian Gehrke

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>

Sent: Monday, April 06, 2020 6:28 AM

To: Ford, Mark < Ford. Mark@epa.gov>; 'Mark L. Farley' < mark. farley@mlfarleypc.com> **Cc:** Adams, Adam < Adams. Adam@epa.gov>; Smalley, Bryant < smalley.bryant@epa.gov>

Subject: RE: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Apologies, Mark, but the attachment appears to be corrupted: "content image001.jpg of type has been blocked."

Could we send you a drop box link and you could email us the attachment that way?

Devon E. Downs | PARTNER

O: 832.653.8708 | C: 925.998.6100 | In

E: devon.downs@mlfarleypc.com | W: www.mlfarleypc.com



From: Ford, Mark < Ford.Mark@epa.gov > Sent: Friday, April 3, 2020 11:53 AM

To: devon.downs@mlfarleypc.com; 'Mark L. Farley' mark-farley@mlfarleypc.com>
Cc: Adams, Adam Adam@epa.gov; Smalley, Bryant Smalley, Bryant Mark-farley@mlfarleypc.com, Bryant Mark farley@mlfarleypc.com, Bryant Adams, Bryant Mark farley@mlfarleypc.com)

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Devon and Mark,

The attachment is a second section of data that the TPC legal claims "Please note that some of the info.." on the email below from Brian Gehrke (**TPC rep – see below email from Brian**).

This external hard drive was produced by TPC contractors, The Response Group, and provided to EPA. This is separate from the current discussion this morning that we were having. We were discussing the Incident Action Plans'.

Question: On this attachment, will you clarify which "some" of the information on the external hard drive of drone footage and photographs you claim to be exempt.

Many thanks gentlemen,

Mark Ford Senior Attorney/ORC FOIA Branch

From: Gehrke, Brian < Brian.Gehrke@tpcgrp.com > Sent: Thursday, December 12, 2019 9:26 AM

To: Devon Downs devon.downs@mlfarleypc.com; Adams, Adam Adams, Adam@epa.gov>

Cc: Saldana, Margarite < Margarite. Saldana@tpcgrp.com >; mark.farley@mlfarleypc.com; Danica McAllister

<danica.mcallister@mlfarleypc.com>

Subject: TPC- Hand Delivery of updated drive with Drone Footage from 12.4.2019 to 12.11.2019

Adam-

This email will confirm that at the EOC today, TPC updated your hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from December 4, 2019 to December 11, 2019. Please note that some of the information that the Company is providing constitutes trade secrets

and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Brian Gehrke	
Brian.Gehrke@tpcgrp.com	
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713.740.3415 Cell: 713.419.3714	,
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